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At a COUNCIL MEETING of the SURTEES SOCIETY, held in Durham Castle on Tuesday, December 2nd, 1952, Dr. C. H. Hunter Blair in the Chair, it was ORDERED——

"That Dr. C. M. Fraser's edition and calendar of Records of Antony Bek should be printed as the Society's volume for 1947."

H. S. Offler,
Secretary.

RECORDS OF ANTONY BEK

BISHOP AND PATRIARCH

1283–1311

EDITED AND CALENDARED BY

C. M. FRASER

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INTRODUCTION

Antony Bek was consecrated bishop of Durham on 9 January 1284, and remained in that See till his death on 3 March 1311. During the last five years of his pontificate he was also titular patriarch of Jerusalem. As bishop of Durham, Bek was also the secular ruler of the compact regalian franchise in the North of England consisting of the present county of Durham, and Islandshire, Norhamshire, and Bedlingtonshire in Northumberland: to this area he endeavoured to add the regalian franchises once enjoyed by the kings of Scotland in Tynedale and Cumberland. The acta and memoranda relating to this varied administration were registered, as is witnessed by various references in the registers of bishops Hatfield and Langley[1]; but since the exemplification on 20 September 1428 of the Auckland ordinances derived from it by bishop Langley[2] nothing has indicated the whereabouts of Bek's register. The suggestion that a fragment survives in the British Museum is without basis.[3] The aim of the present collection of *Records of Antony Bek* is to present a series of documents emanating from or received by the bishop's chancery in the course of administration.

This attempt to illustrate Bek's diocesan and secular administration of Durham is restricted by the meagreness of the surviving documents. Before 1300 few documents survive relating to diocesan

[1] Cf. Durham, Dean and Chapter Muniments (hereafter Durham), Reg. Hatfield, p. 101; Priors' Register II, f. 323; Reg. Langley, ff. 148-9.

[2] Durham, Reg. Langley, ff. 148-9; Cart. IV ff. 197v.-9; *Calendar of Patent Rolls* 1429-36, p. 182.

[3] James Raine, in his introduction to *Letters from Northern Registers* (Rolls Series, 1873), p. x, mentions the existence in the British Museum of a fragment of Bek's register, containing "appointments of some of the lay officers of his court". This fragment cannot now be identified. Possibly Raine mistook for it Harleian MS. 3720, a private memoranda book of Antony Bek, bp. of Norwich (1337-43), which contains information about the Bek family.

activities, and after 1300 the bulk of information relates to the bishop's quarrel with the convent of Durham over his rights of visitation. Information about secular administration must be inferred in the main from the royal proceedings of "Quo Warranto" in 1293 (no. 38) and the Durham "Charter of Liberties" of 1303 (no. 89). Similarly some idea of the manner in which bishop Bek undertook to enclose the waste land near his manors of Bishop Auckland, Chester-le-Street and Boldon can be gleaned from grants by him relating to these areas (nos. 24, 33, 34, 62, 87, 135, 142, 160, etc.). But most of the documents concern more or less directly the prior and convent of Durham.

This bias is a consequence of the loss of Durham episcopal records for this early period. In default of the bishop's register, resort must be made to the muniments of the Dean and Chapter of Durham, successors of the convent, and to the national records in the Public Record Office, London. The convent preserved copies of confirmations by their priors of various grants, loans and ordinances of bishop Bek. Others were recorded in four of its registers and cartularies. In some cases, lands subsequently became capitular property which had formerly been granted or confirmed by bishop Bek, and the originals survive (nos. 36, 40). The monks also preserved two letters of indulgence from Bek (nos. 79, 155), and a letter notifying his impending visitation in 1309 (no. 132). The bishop's official version of his visitation of the convent of Durham in 1300 survives only in one of the monastic registers.[4] Originals by Bek in the Public Record Office include a letter to Edward II (no. 164) and a petition which cannot be dated (no. 167). There is also among the collection of Exchequer writs a series of mandates directed to the bishop as diocesan, to distrain defaulting clergy, and also as franchise-holder, to deliver persons and accounts at the royal exchequer (nos. 95, 97-8, 100, 102, 104-5).

It is necessary therefore to derive many of the documents of this collection from sources concerned only indirectly with the bishops of Durham or with Bek in particular. There are transcripts of two charters and of the ordinance establishing a vicarage at Ponteland in the collection of Randall MSS. in the Durham Dean and Chapter Library. The instruments relating to Bek's confirmation as

[4] Durham, Reg. III, ff. 81-5.

bishop and his consecration at York are to be found in the British Museum, Lansdowne MS. 402, described as a "Register of the Archbishops of York". Transcripts of two of Bek's letters as patriarch of Jerusalem are in Lansdowne MS. 397, which also contains a section on his mandates as papal inquisitor into the affairs of the Knights Templar. Bek's letter to the pope in favour of the canonisation of Robert Grosseteste, bishop of Lincoln, survives in a roll of notarial transcripts among the muniments of the Dean and Chapter at Lincoln; and there are similar stragglers elsewhere.

Where however documents relating to Bek are incorporated in major collections, such as the papal registers, the archiepiscopal registers of York and Canterbury, and the royal records of the Charter, Patent and Close Rolls, they have already been published *in extenso* or in calendared form. It has been impossible to ignore these in a collection illustrating from original sources the administration of the bishopric of Durham under bishop Bek. To prevent unnecessary duplication therefore, such published documents as bear on Bek's diocesan administration have been indicated by brief calendaring. The major exception to this rule concerns the York registers, already printed by the Surtees Society. The contents of these have been omitted, except where the bishop appears as a contracting party, as in the agreements with archbishops Romeyn and Corbridge.[5] Other records relating to the bishop's secular jurisdiction are mostly derived from royal sources, already in print in calendar form. Here the original entries have generally been examined, and, according to the accuracy of the printed calendar, a longer or shorter version has been given here. There are three exceptions to this. The two charters granted by Bek to Roger Pychard in 1310 and confirmed by Edward II the same year are given *in extenso* because of their local interest and the fact that the printed calendar omits the names of the witnesses. Similarly the Durham "Charter of Liberties", although already printed fully in the *Registrum Palatinum Dunel-*

[5] The majority of Romeyn's mandates to the bishop relate to the arrest of two of his clerks, sent to cite Bek before the archbishop (*Reg. Romeyn*, II 90-1, 100-2, 103-4). The few mandates sent to him, his official or his vicar-general by archbishop Greenfield concern the enquiry into the affairs of the Knights Templar (*Reg. Greenfield*, IV 329-30, 355-8, 359), or derive from Bek's refusal to ordain any of the Durham monks during his dispute with the convent (*ibid.*, V 51-3 68). Also omitted are three letters from Bek to the convent of Durham, c. 1286, which have been recently printed *in extenso* in *Durham Annals*, pp. 67, 84, 189.

mense from bishop Kellawe's register, has been repeated here from the version on the dorse of the Close Roll for 1303.[6] Both versions are copies of the original, the royal copy being slightly earlier. The justification for this duplication is in various errors both in spelling and editing to be found in the version printed in the *Registrum*[7]: and there is some additional interest in the manifest difference in the French used by the Durham chancery scribe and the royal chancery clerk.

Before proceeding to any further explanation of the method of presenting this collection of documents it seems desirable to emphasise the method of selection. No attempt is made here to present a complete list of all documents in which Bek is mentioned or to which he was a party. Each document in these *Records* relates to Bek as administrator of the bishopric of Durham.[8] Numerous mandates directed to Bek in other capacities, e.g. as king's councillor, have therefore been excluded. Commissions for the bishop to act as plenipotentiary of Edward I in Norway,[9] to negotiate the marriage of prince Edward with Margaret, the Maid of Norway, thus have no place. Nor is there reference to other foreign embassies, including an abortive one of 1298 to pope Boniface VIII, cancelled because Edward had too great need of the bishop at home.[10] Other notable omissions are Bek's commission to act as regent in Scotland in 1290[11]: and the suit heard in the King's Court wherein Edward I sued John le Romeyn, archbishop of York, for presuming to excommunicate bishop Bek while the latter was on the king's service and actually within the royal presence when the notification of sentence was made to him. The reason for this last omission is the fact that Bek was not legally a party to the suit. Although the description of the bishop of Durham as earl palatine first occurs here, the style had no precise legal significance in England. Moreover, the case has been printed *in extenso* in the *Rotuli Parliamentorum*, I, 102-5, and also calendared from the Close

[6] Calendared, CCR 1302-7, pp. 100-3.

[7] I have carefully collated the printed version in RPD III, 61-7, with Reg. Kellawe, ff. 277-8.

[8] The expression "bishopric of Durham" was applied at that date equally to the diocese and the regalian liberty of Durham.

[9] CPR 1281-92, pp. 327, 350; *Foedera* I ii, 731.

[10] PRO., Anc. Correspondence XIII, 101, 102, 103.

[11] CPR 1281-92, p. 386; *Foedera* I ii, 737.

Roll.[12] Various personal letters to Bek from the archbishop are to be found in the register of Robert de Winchelsey of Canterbury.[13] Papal commissions authorising Bek to assist papal nominees in England or to intervene in the affairs of minor priories have also been omitted.[14]

The documents above mentioned are all accessible in print. But there is another class of records as yet unpublished which, although emanating from Bek's chancery, is not included in the present collection because it throws no light on his administration of Durham. It includes a series of four letters from the bishop to John de Langton, the king's chancellor, of which three are recommendations on behalf of the bearer and the fourth concerns the presentation of John de Merkynfeld to the church of Algar in the diocese of Lincoln.[15] There are also two notes, one to the prior of Durham and the other to John de Kirkby, bishop of Ely, obscurely referring to the dispute between the churches of York and Durham. These are so brief as to be barely intelligible without copious footnotes for which they give insufficient justification.[16] Apart from these letters, there are various grants made by or to the bishop of land outside the diocese, omitted as being in the nature of private transactions. These include the series whereby Bek obtained from sir William de Vescy the manor of Eltham in Kent in 1295; secured the dower rights therein of Isabella de Vescy by granting her the manor of Scoreby in Yorkshire; and finally bestowed Eltham on Edward, prince of Wales, ten years later.[17] Two concern his purchase of the manors of Ford and Midhurst in Sussex.[18] Others concern land in Hertfordshire, Kent, Yorkshire and Roxburghshire.[19] There is also an interesting document of 4 July 1286 whereby Robert Burnel, bishop of Bath and Wells, Antony Bek, bishop of Durham, sir John de Bohun and mr. William of Louth, archdeacon of Durham, joined

[12] CCR 1288-96, pp. 330-4.

[13] *Reg. Winchelsey*, pp. 126-7, 218-9, 284-5, 290, 693, 694, 714, 715, 736-7, 741.

[14] *Reg. Boniface VIII*, I no. 2130, cols. 817-8; II no. 2703, cols. 198-9. *Reg. Clement V*, I no. 795, p. 141; II nos. 3075-6, p. 197; III no. 4660, p. 279; IV nos. 5464, 5576, pp. 132-3, 179.

[15] PRO., Anc. Correspondence XXVI, 108-11.

[16] *Ibid.* X, 127; XXXII, 59.

[17] B.M., Cart. Harl. 57, C. 35-7; 43, D. 12; 43, I. 48; cf. Cart. Cott. V, 47.

[18] B.M., Cart. Harl. 45, A. 29; 46, F. 4.

[19] *Ibid.* 47, H. 13; 54, G. 6; 48, I. 48; 49, A. 4; 54, G. 19; 57, C. 34; 43, D. 7.

in guaranteeing the grant made by sir John de Rodes to Robert and Pain Tibetot of the manors of Langar and Barnstone in Nottinghamshire, with compensation of 500 marks in case the bargain could not be upheld in law.[20] Three documents concern the bishop's personal and traditional interest in Lincolnshire, namely his confirmation to Kirkstead abbey of grants made to it by his ancestors and by his brother, sir John Bek; his presentation of Peter le Beschu to the bishop of Lincoln for institution to the priory of Covenham[21]; and his ratification of the transference of this cell of Covenham from the foreign abbey of St. Calais to Kirkstead abbey.[22]

The scope of the collection having been briefly indicated, a few words may be added to explain more fully the method of presentation. As noted above, few of these "Records" survive in their original form. In the main they are contemporary or later copies, made by way of confirmation, for purpose of reference, or from antiquarians' interest. For the sake of clarity, the document concerning Bek has normally been extracted from its setting, which has been fully noted in the reference to sources at the foot of each item printed here.[23] Where there are several versions of one document, the earliest version has been taken as the basis of the printed text, except in the case of the Lanchester and Chester ordinances (nos. 3, 6), where the spelling of places in the latest version, written in Durham, has been preferred to the spelling of the earlier royal and papal confirmations. The Durham scribe of the early fifteenth century would have better knowledge of the names of the hamlets involved than the contemporary but "foreign" clerk of the royal or papal chancery. Any unusual point of editing is noted in the respective note on sources. To prevent undue repetition, where a document presented here *in extenso* uses common formulae, enough has been left to identify the phrase, and the rest has been omitted. The omission is indicated by dots. Two of the documents included (nos. 112, 138) lack modern class-marks. Their reference, given in

[20] *Ibid.* 43, G. 50.

[21] The cell of Covenham had been granted by an earlier bishop of Durham to the abbey of St. Calais in France, but the right of nominal presentation to the priorship had been retained by the bishop.

[22] B.M., Cotton MS., Vespasian E. xviii, f. 418 (Register of Kirkstead Abbey); *Reg. Sutton* I, 82-3; Durham, Misc. Charter 7125*d*; Durham, Reg. I ii, f. 36v.

[23] Most of Bek's grants to his Durham bailiffs have survived in a file of copies of confirmations made by prior Tanfield (Durham, Misc. Charter 7125).

brackets, is to the original medieval numbering on their dorse.[24] No comment has been made on any seals attached to documents since the few that survive have been fully described in the exhaustive account of *Durham Seals by* W. Greenwell and C. H. Hunter Blair.

Various documents which cannot claim to pertain to Bek's Durham administration yet which throw necessary, vivid, light on it, have been included in four appendices. The first of these is the election roll of Antony Bek.[25] Being a full record, the roll indicates the routine of election together with the ordinary precautions taken by the Durham monks in case of difficulties emerging thereafter. Among various letters is the request to the archbishop of York to confirm the elect; counterbalanced by a similar request to the pope made "because the archbishop is under sentence of excommunication". In a similar fashion, the king is asked to assent to Bek's election; but another letter to the king requests a further licence to elect, assuming that Bek has refused the nomination. Some of the documents enrolled here appear veritable duplicates, so fine is the distinction between the powers that they convey to the proctors of the prior and convent.

So important an event in the routine of the convent as the election of a bishop was naturally noted in the monastic annals; and since a roll of the necessary documents was available, many of them were incorporated into it in full. The chronicler of this date, however, was largely interested in compiling a reference-book of precedents. Notifications of a specific event were of less use to him than letters of proxy, which could be copied in similar circumstances. As a result, the account of Bek's election as given in *Durham Annals* (S.S. 155), edited by Dr. Barlow, is in effect an abridgment of the roll, omitting the letters of notification to the archbishop of York, the pope, the general public, the elected archdeacon[26] and the king. The roll appears to have been compiled contemporaneously with the issue or receipt of the document concerned. One hand inscribes the memorandum of Insula's death, the request to Edward I for

[24] Cf. note 27 *infra*.

[25] In addition to the election roll (Durham, Misc. Charter 5346), there is a complementary file of original and draft documents relating to the election (Durham, Misc. Charter 5709), which has been utilised to supply the names of various monks omitted in the roll.

[26] At the time of his election to the See, Antony Bek was archdeacon of Durham.

licence to elect, the royal permission and the summons to the election. Another includes the "acta" of election. A third covers the letters of notification (dated 13-14 July 1283), which are included within one membrane; and a fourth hand deals with the powers of proxy issued on 26 July 1283, also included in one membrane. The three parchments are sewn together, head to foot, with a space of 2½ in. blank at the end of the final membrane. The roll is undoubtedly prior to the annals, which represent a skimming of the original collection with an eye possibly to a formulary, for the dates of the documents there are generally omitted and the addresses drastically curtailed. Under these circumstances the order of the roll has been followed, irrespective of the vagaries of the annals, but where a document of common form has been printed by Dr. Barlow it has been briefly calendared here, with a reference to the *Durham Annals*.

As for the remaining appendices, the second repeats with additions the tale of nos. 66-70, but this time from the point of view of the prior and convent.[27] The accounts are complementary, for both sides presented a legally sound case, omitting the equally legal counter-measures of the other. The case of the convent is better known, however, through the chronicle of Robert de Graystanes.[28]

The plea between Guy de Beauchamp and the bishop over the harrying of Middleton in Teesdale is selected for the third appendix. It gives significance to the terms of the restoration of the liberty of Durham by Edward II to Bek (nos. 121, 125, 148). These terms were modified as gradually the king became less willing to attend to grievances of the earl of Warwick, who was able to bring his case against the bishop to court only subsequent to the storm which resulted in the Ordinances of 1311. This suit displays both the theory that the men of Durham might not be impleaded outside the liberty in cases arising within that franchise, and the practical significance of this theory. Although the sheriff of Northumberland was ordered by the royal writ "non omittas propter libertatem" to

[27] In regard to this appendix it should be noted that the present system of reference to Durham Miscellaneous Charters is not always fully accurate. That is, certain numbered charters in fact contain several items. As this class of document was formed only during the last century, most of its items have a medieval classification on their dorse. Where an item is given from one of the "collective" charters, this internal, medieval, reference is given also for precision.

[28] *Scriptores Tres* (S.S. 9), pp. 75-7.

enter the liberty to secure the attendance of the Durham defendants in the case, notwithstanding the claims of immunity advanced by the bishop, in fact the minor defendants did not appear in court without Bek, and the case had to be dropped in their default some years after the death of the bishop. Another case also involving Durham litigants in the king's court is sufficiently represented by the writ of Edward II ordering the bishop on 3 June 1308 to show justice to John son of John of Durham (no. 127). Its endorsement represents the bishop's defence in court. John eventually failed to appear to prosecute his case before the king, and the bishop won by default.[29] The termination of yet another suit before the king is indicated in no. 123. John son of John de Maidenstane tried to secure his paternal inheritance of Thorpe Thewles in the bishop's court before 1302. The case was defended by Avelina, widow of Robert of Thorpe Thewles, who claimed her dower rights in the manor both there and in the king's court, where she vouched the bishop to warranty. The courts accepted the allegation that John was a bastard and declared in favour of the claims of lawful ownership advanced by Maidenstane's sisters (John's aunts). John petitioned in parliament at Westminster in 1306 that action be taken on his behalf, since the archbishop of Canterbury had certified his legitimacy, whereon a royal commission of *oyer* and *terminer* was sent to Henry de Guldeford, Thomas de Shefeld and Henry Scrop' to consider the matter within the liberty. These justices however had no powers to instruct the sheriff of Durham, who would execute orders only if authorised by the Durham chancery.[30] No final settlement can have resulted from this litigation, for on 5 March 1308 John quit-claimed to the bishop all his rights in Thorpe Thewles.[31]

Finally, the fourth appendix contains two of the rare mandates of Bek as patriarch of Jerusalem. They are derived from a commonplace book of John de Wessington, prior of Durham (1416-46).[32] Only mandates concerning the English activities of Bek as patriarch, i.e. as inquisitor against the Knights Templar, have been included in the body of the present collection. Besides the two mandates

[29] PRO., Coram Rege Roll, Trinity, 2 Edw. II, m. 34d.
[30] RPD IV, 12; CPR 1301-7, p. 474; *Rotuli Parliamentorum*, I, 198.
[31] *Vide* no. 123. [32] B.M., Lansdowne MS. 397.

printed here as Appendix D there is little evidence of other, European, interests displayed by Bek as patriarch, except the presentation by him of James de Vico, canon of Périgueux, to the church of St. Leonard of Casagensulis in the diocese of Alatri, in his patronage as patriarch. This grant is known from its confirmation by Clement V at the instance of Nicholas de Vico, his master usher (*magistri ostiarii*).[33] Unfortunately there is no means of dating precisely either mandate, except as falling within Bek's brief patriarchate between 26 February 1306 and 3 March 1311. From the reference to Leonard, patriarch of Constantinople, in the appointment of Hugh Burgetti as bishop of Samaria, it is probable that this document is no later in date than 1308, when Leonard's successor was appointed. Burgetti is not to be found in any lists of bishops of Samaria, the names of whom are virtually unknown for this period.[34]

The Index has been compiled not only as a guide to persons and places in the collection of records but also as a brief summary of the development of local place names, with early variations inserted after the modern spelling. Variations naturally are confined to those occurring within this text. By cross-references an attempt has been made to list the holders of various offices within the diocese.

It remains for me to acknowledge the kindness and assistance that I have received while editing these documents. In particular I wish to thank the Dean and Chapter of Durham for permission to search and use their muniments and library. I am especially grateful to Dr. J. Conway Davies, who has allowed me facilities to work on these documents, advised me on the suitability of documents for inclusion and criticized the proofs. I also owe to his good offices the transcripts of letters from Bek in the Vatican Archives, Rome, and the muniments of the Dean and Chapter of Lincoln. Finally, I wish to thank Mr. H. S. Offler for his valued help, and his patience in untangling Latin which might otherwise have become more than medieval in its obscurity. For any errors which remain I must accept sole responsibility.

C. M. Fraser.

[33] *Reg. Clement V*, III no. 4567, p. 256.
[34] Cf. C. Eubel, *Hierarchia Catholica Medii Aevi*, I, 440 and note.

ABBREVIATIONS

The following printed sources have been utilised in the present collection of *Records of Antony Bek*:

CChR	Calendar of Charter Rolls, vols. II-III (1906-8).
CCR	Calendar of Close Rolls, 1288-1313 (1892-1908).
CPL	Calendar of Papal Registers and Letters, vol. I (1893).
CPR	Calendar of Patent Rolls, 1281-1313, 1429-36 (1893-1907).
S.S. 58	Feodarium Prioratus Dunelmensis, Surtees Society, 58 (1872).
Prynne III	Prynne, W., An Exact Chronological Vindication . . . , London (1668), vol. III.
Reg. Benedict XI	Le Registre de Benoit XI, ed. Ch. Grandjean, Paris (1905).
Reg. Boniface VIII	Les Registres de Boniface VIII, ed. G. Digard, M. Faucon et A. Thomas, Paris (1884-1939).
Reg. Clement V	Regestum Clementis Papae V, ed. Monachorum ordinis S. Benedicti, Rome (1885 et seq.).
Reg. Corbridge	Register of Thomas de Corbridge, Surtees Society, 138 (1925); 141 (1928).
Reg. Drokenesford	Register of John de Drokenesford, Somerset Record Society (1887).
Reg. Greenfield	Register of William de Greenfield, Surtees Society, 145 (1931); 149 (1934); 151 (1936); 152 (1938); 153 (1938).
Reg. Halton	Register of John de Halton, Canterbury and York Society (1913).
Reg. Newark	Register of Henry de Newark, Surtees Society, 128 (1916).

Reg. Pontissara	Register of John de Pontissara, Canterbury and York Society (1915-24).
Reg. Romeyn	Register of John le Romeyn, Surtees Society, 123 (1913); 128 (1916).
Reg. Sutton	Rolls and Register of Oliver Sutton, Lincoln Record Society (1948-50).
Reg. Swinfield	Register of Richard de Swinfield, Canterbury and York Society (1909).
Reg. Winchelsey	Register of Robert de Winchelsey, Canterbury and York Society (1920 et seq.).
RPD	Registrum Palatinum Dunelmense, ed. Sir Thomas Duffus Hardy (1873-8).
S.S. 9	Scriptores Tres . . . , Surtees Society, 9 (1838).
Wilkins, *Concilia*	Wilkins, D., Concilia Magnae Britanniae et Hiberniae . . . , vol. II (1737).

Other abbreviations:

ab.	abbot.
Anc.	Ancient.
App.	Appendix.
archbp.	archbishop.
archd.	archdeacon.
B.M.	British Museum.
bp.	bishop.
card.	cardinal.
Cart.	Cartulary (of the convent of Durham).
Cart. Cott.	Carta Cottoniana (in the British Museum).
Cart. Harl.	Carta Harleiana (in the British Museum).
c.n.	consecracionis nostre, *or* year of our consecration.
conf.	confirmation.
crt.	cuius rei testimonium.
knt.	knight.
Loc.	Locellus (one of the classes of Durham documents).
LTR. Mem.	Lord Treasurer's Remembrancer Memoranda.
mr.	master.
pat.	patriarch.
Pont.	Pontificalia (one of the classes of Durham documents).
pr.	prior.

pr. and c.	prior and convent.
PRO.	Public Record Office.
Q.R. Mem.	Queen's Remembrancer Memoranda.
Reg.	Register (especially the registers of the convent of Durham).
Spec.	Specialia (one of the classes of Durham documents).
S.S.	Surtees Society.

RECORDS OF ANTONY BEK

1. 2 *Sept. 1283. Worksop, Notts. Oath of obedience made by Antony Bek to archbp. of York.*

Universis pateat per presentes quod nos Antonius Bek' electus Dunelmensis, post munus confirmationis electionis de persona nostra in episcopum [et] pastorem Dunolmensem canonice celebrate a venerabili patre domino W[illelmo] dei gracia Eboracensi archiepiscopo, Anglie primate, loci metropolitano, nobis auctoritate metropolitica inpartitum, eidem archiepiscopo suisque successoribus canonice intrantibus, officialibus ac ecclesie Eboracensi canonicam obedienciam et fidelitatem promisimus iuramento a nobis prestito corporali; ac de manibus dicti domini archiepiscopi Eboracensis totam iurisdictionem ipsius diocesis in spiritualibus ceteraque spiritualia unacum rotulis, actis aliis et instrumentis consistorii Dunolmensis, que omnia ad dictum dominum archiepiscopum pertinebant et penes eundem residebant sede vacante, recepimus ut est moris; qui nos de premissis corporaliter investivit. Has litteras presentes ad eternam rei memoriam eidem domino archiepiscopo Eboracensi fieri fecimus, sigillo nostro signatas in premissorum fidem et testimonium veritatis. Dat' apud Wyrkeshop' in crastino Sancti Egidii, anno gracie M°CC° Octuagesimo (*sic*) tercio.

(Registered in 13th century miscellanea book of archbps. of York: B.M., Lansdowne MS. 402, f. 75r-v.)

2. 9 *Jan. 1284. York. Profession and consecration of Bek as bp. of Durham.*

In nomine domini amen. Anno ab incarnatione eiusdem M°CC° Octuagesimo tercio, indictione duodecima, die dominica proxima post festum epiphanie domini, in presencia mei infrascripti notarii et testium suprascriptorum, a venerabili patre domino Willelmo dei gracia Eboracensi archiepiscopo Anglie primate venerabilis pater

dominus Thomas eadem gracia Menevensis Episcopus dominum Antonium Bek' electum Dunelmensem ibidem presentem et ab eodem domino archiepiscopo electioni[1] de se factam, quam idem dominus archiepiscopus canonicam reputavit, prius confirmatum, nomine cleri et populi diocesis Dunelmensis in episcopum Dunelmensis ecclesie devote et humiliter peciit consecrari. Qua petitione facta, dominus archiepiscopus supradictus ab electo predicto articulos fidei cum ceteris articulis in officio huiusmodi consuetis solicitando quesivit, qui in omnibus articulis huiusmodi dicto domino archiepiscopo satisfaciens et professionem in scriptis ore suo proprio legens ac sua manu subscribens eandem professionem in scriptis factam et lectam, osculata manu dicti domini archiepiscopi, in magno altari beati Petri reverenter optulit et devote; ipsiusque professionis in scriptis redacte tenor talis est:

In dei nomine amen. Ego Antonius Beck Dunelmensis electus in episcopum consecrandus promitto quod ab hac hora in antea fidelis ero et obediens in canonicis mandatis sacrosancte Eboracensi ecclesie dominoque Willelmo ipsius archiepiscopo, Anglie primati, metropolitano meo eiusque successoribus canonice interantibus (*sic*), [et] in manu propria subscribo.

Quibus ita expeditis, invocata Spiritus sancti gracia et letania cum sollempnitate reverenda decantata, venerabilis pater dominus archiepiscopus supradictus predictum ut predicitur electum in episcopum ecclesie Dunelmensis illico consecravit. Act' in ecclesia beati Petri Eboraci, anno, die et indictione predictis, presentibus serenissimo principe domino Edwardo dei gracia illustri Rege Anglie, domino Olivero dei gracia episcopo Lincolniensi, domino Roberto eadem gracia episcopo Wellensi, domino Johanne eadem gracia episcopo Wintoniensi, domino Willelmo eadem dei gracia episcopo Norwicensi, domino Radulpho[2] eadem gracia episcopo Karliolensi et domino Henrico eadem gracia episcopo Candide Case, cum comitibus, baronibus et aliis in multitudine copiosa, testibus in hoc facto convocatis. Et ego Guillelmus de Somerdeby, clericus Lyncolniensis diocesis, auctoritate sacrosancte sedis apostolice pupplicus notarius premissis interfui, scripsi, publicavi et signum meum consuetum apposui rogatus.

[1] '*electionem* in MS.
[2] *Roberto* in MS.

(Registered: B.M., Lansdowne MS. 402, f. 75v.)

3. *20 Sept.1284. Bp. Auckland. Ordinances of bp. establishing a collegiate church at Lanchester.*

Where there is an abundance it is convenient and beneficial to disperse some of it to less fortunate areas, and it is honourable for a church to provide for many to serve it. The church of Lanchester in the diocese of Durham is vacant by the death of mr. Alexander de Aluerton, lately rector, and by right of patronage the bp. deputed mr. John de Craven, priest, as keeper (*defensor*) of the church, to preserve its temporalities and spiritualities during this vacancy. The appointment was dated from Middleham on 25 March 1284. Subsequent to discussions with the keeper and others it was decided that the parish of Lanchester was extensive and its revenues sufficient to maintain more clerks, in which indeed it was deficient, to celebrate divine office and to provide more diligent cure of souls. Furthermore there were lacking in the diocese lawyers and councillors to aid the bp. in the arduous affairs of his church. Having heard all arguments the bp., with the consent of his chapter of Durham and of the keeper of Lanchester, ordained that henceforth Lanchester should be a collegiate church with a deanery and seven prebends. The dean would be perpetual, in priestly orders, bearing full responsibility for cure of souls, and in continuous residence. He was to supply two suitable chaplains, in the habit of canons' vicars, to assist him in the cure. He must bear all ordinary expenses of the church, maintaining and repairing the chancel when necessary, but was not obliged to undertake new construction. He was to provide for services at the chapels of Esh (*Esse*), Medomsley (*Medmesley*) and Healeyfield (*Heley*) in seemly manner. In return he would receive all altar offerings at Lanchester and the said chapelries, namely, mortuaries, tithes of wool, lambs, milk, calves, foals, hens, geese, piglets, flax, hemp, hay and all minor and personal tithes, together with the revenues of demesne lands and fields, services, rents and courts of tenants of the church, with pensions from Collierly (*Colyrley*) and Satley (*Sateley*). Similarly he should have the messuages pertaining to the chapels with their courts (*curiis*) and lands, saving to the prebendaries some portion of floor (*area*) to store their grain. As for the prebendaries holding the first three prebends, they should find each a chaplain at their own expense as vicar, the remain-

ing four to have a single vicar in holy orders; and these vicars should serve the church in canonical dress and recite the psalms according to the use of York or of Sarum. These also should perform the duties of hebdomadary in accordance with rank and with the instructions of the dean, who has sole authority for the care of the parish, controls the choir and punishes wrongdoers. The bp. wills moreover that matins shall be said at early morning for the parishioners.

To prevent future dissension the bp. assigns specific revenues to the prebends. Land tithes (greater tithes) from Esh (*Esse*), Cornsay (*Corneshow*), Hedley, Lower Hamsteels, Upper Hamsteels, Broomshiels (*Bromsceles*) and the lands of Matthew Forester pertain to the first prebend. Those from Medomsley (*Medmesley*), Ousterley (*Hussetres*), Kyo (*Kyhowe*), Bushblades (*Bursblades*), Billingside, Bradley (*Bradeley*) and Crook (*Crock*) pertain to the second prebend. Those from Greencroft (*Grencroft*), Hollingside (*Holingside*), Colepike (*Colpiel*), Steeley (*Steley*), Butsfield (*Botelisfield*), the smith's land and *Tassigurley*[1] pertain to the third prebend. Those from Langley (*Langeley*), *Ridding*, Stobbilee (*Stubbeley*), Broom (*Brom*), *Notesteles*, Burnhope (*Bromhope*), Lanchester (*Langecestre*) and *Peththe* pertain to the fourth prebend. Those from Healeyfield (*Heley*), Consett (*Conkesheued*) and Knitsley (*Kyncheley*) pertain to the fifth prebend. Those from Iveston (*Yvestan*) and Benfieldside (*Benfeldesyde*) to the sixth prebend. Those from *Moreleyes*, Newbiggin (*Neubigging*), Hurbeck (*Hurtbuk*) and The Ford (*Furdes*) to the seventh prebend. The outer court (*area*) and buildings of Lanchester church were to be allotted among the dean and canons for living-quarters at the bp's. discretion. Order of precedence in the stalls was determined to prevent dispute; thus the first stall to the south (of the chancel) pertained to the bp. in token of his pre-eminence. Next to him on the south side followed the first, third, fifth and seventh prebendaries in that order. The first stall on the north was to be occupied by the dean of the church, and beside him sat the second, fourth and sixth prebendaries in that order. This precedence was also to be observed in procession. The ordinance was promulgated with the consent of the chapter of Durham, saving the authority of the bp. and his successors; and dated from *Auckland*, 12 Kal. Oct. 1283 (*sic*) and 1 c.n.

[1] Identified as Satley by R. Surtees, *History of Durham* II, 309.

(Confirmations by Edward I on Charter Roll, dated 12 June 1292 (printed Prynne III 462-3; *Monasticon* VI 1333-4; CChR II 422); by Boniface VIII on 15 March 1297 (*Register* I no. 1895 col. 723); by pr. and c. of Durham on 2 Oct. 1289 (Durham Reg. II f. 266). Spelling of place-names from last-named source.)

4. *7 Aug. 1285. Hartley, Kent. Indulgence of 40 days for prayers for Matthew Huse, Agnes his wife, etc.*

Universis Christi fidelibus presentes litteras visuris vel audituris Antonius permissione divina Dunolmensis episcopus salutem in domino omnium salvatore. Ut ex deprecacione vivorum quiescentes in Christo se senciant relevari et ipsi viventes per ea que in carne gesserint remissionem accipere mereantur peccatorum, parochianos nostros per indulgenciarum allectiva ad orandum pro defunctis excitamus. De dei igitur omnipotentis misericordia et beate Marie virginis, gloriosi confessoris Cuthberti omniumque sanctorum meritis confidentes, omnibus parochianis nostris et aliis quorum diocesani hanc nostram indulgenciam ratam habuerint, de peccatis suis vere contritis et confessis, qui pro animabus domini Matthei Huse et Agnetis uxoris sue et Johanne et Margarete quondam uxorum domini Henrici Huse, corpora quorum Matthei in ecclesia conventuali de Dereforde,[1] Agnetis in claustro fratrum predicatorum London', Johanne et Margarete in ecclesia predicta de Dereforde requiescunt humata, ac pro animabus omnium fidelium defunctorum oracionem dominicam cum salutacione beate virginis dixerint mente pia, quadraginta dies de iniuncta sibi penitencia misericorditer relaxamus. Dat' apud Hertelegh' VII Id' Augusti Anno domini M°CC°Octogesimo Quinto.

(Original: B.M., Additional Charter 18593.)

5. *8 Nov. 1286. Durham. Composition between archbp. of York and pr. and c. of Durham concerning diocesan jurisdiction in Durham,* sede vacante.

Disputes and questions between William [Wickwane], late archbp. of York, primate of England, and the pr. and c. of Durham concerning diocesan jurisdiction during a Durham vacancy had been argued before various judges, and suits had been undertaken by both parties; during which time William, the archbp., had died.

[1] ? Dartford, Kent.

Now by the mediation of Antony, bp. of Durham, it pleased John [le Romeyn], William's immediate successor, for himself and his successors, together with the pr. and c. and their successors, to come to an agreement whereby the pr. and c. of Durham recognised that John, archbp. of York, and his successors, by right of the church of York, might have and exercise diocesan jurisdiction in the church, city and diocese of Durham during a Durham vacancy in the same manner as the predecessors of archbp. William. Meanwhile archbp. John fully renounced all actions and suits provoked by acts of the pr. and c. against his predecesssor, archbp. William. Both parties revoked all sentences and suits in any courts. Both parties would procure at their own expense formal withdrawal of their suits and deliver to the other sealed letters renouncing these. The agreement however should not prejudice the rights of the bps. of Durham, *sede plena*. Both parties therefore sealed this together with the bps. of Durham and Carlisle in the form of a quadripartite indenture. Witnesses: sir John de Vescy, mr. Adam de Bampton, precentor of Lincoln, mr. Nicholas de Wellys, doctor of canon law (*decretorum doctore*), canon of Southwell, mr. Adam de Derlington, canon of Howden, mr. William de St. Botulph, rector of Houghton, mr. Alan de Esingold, rector of Ryton, mr. Adam de Levington, rector of Salton and many others. Sealed in chapter at Durham by the same chapter and by the bps. of Durham and Carlisle on 6 Id. Nov. 1286.

(B.M., Lansdowne MS. 402, ff. 79v.-80. The corresponding York version, dated 2 Nov. 1286, is in Mun. of D. and C. of Durham, 1a. 12e. Pont. 1, printed S.S. 9, pp. xciv-vi. Copy in Reg. Romeyn, f. 91v., printed *Hist. of Ch. of Y.* III, 212.)

6. *9 Nov. 1286. Bp. Auckland. Ordinances of bp. establishing collegiate church at Chester-le-Street.*

Where there is an abundance it is convenient and beneficial to disperse some of it to less fortunate areas, and it is honourable for a church to provide for many to serve it. The church of Chester in the diocese of Durham and within the bp's. patronage has lately been disturbed by disputes between sir Walter de Clifford, clerk, claiming himself to be rector, and mr. Alan de Esingwald, asserting that Walter was sentenced and deprived by lord Robert (de Insula),

immediate predecessor of the bp., for various causes and that he, Alan, was collated by that bp. The dispute had given rise to judicial proceedings, delegatory and ordinary, till the parties agreed before bp. Bek to submit to his ordinance concerning the church, its chapelries, lands, fruits, offerings and all other appurtenances and rights, and renounced all their law-suits. The bp. considered that the parish of Chester was extensive and its revenues sufficient to maintain more clerks, in which indeed it was deficient, to celebrate divine office and to provide more diligent cure of souls; while, after Durham cathedral, it was the pre-eminent church in the diocese since the holy body of St. Cuthbert had rested there for 115 years. Furthermore there were lacking in the diocese lawyers and councillors to aid the bp. in the arduous affairs of his church. In these circumstances and with the consent of the chapter of Durham he ordained that henceforth Chester be a collegiate church with a dean and seven prebends. The dean should be perpetual, in priestly orders, with entire responsibility for cure of souls and bound to reside continually. He was to provide two suitable chaplains, in the garb of canons' vicars, to assist him in his cure, and he should also have minor clerks to serve the church in seemly manner (*competenter*). He would bear all the usual burdens, such as maintaining and repairing the chancel when necessary, but he was not obliged to undertake new construction. He was to provide suitable clerks (*ministros*) to serve the chapels of Tanfield and Lamesley. In return the deanery was to receive all altar offerings at Chester as also in the said chapelries, namely mortuaries and tithes of wool, lambs, milk, calves, hay, flax, hemp, hens, geese, piglets and all minor and personal tithes, together with the rents and court of tenants of the church in the vill of Chester and in Waldridge (*Walrigge*) and all the demesne land of Harraton (*Heruerton*). Similarly he should have the messuages pertaining to the chapels with their courts and lands, saving to the prebendaries some portion of floor (*area*) to store their grain. The dean should also have a fishery in the Wear and the tithe of fish. Each of the first three prebendaries should find a chaplain at their own expense as vicar, and the remaining four a single vicar in deacon's orders, these to serve in the church in canonical dress, and psalms were to be recited according to the use of York or Sarum. Each would act as hebdomadary in accordance

with rank and with the instructions of the dean, who has sole authority for cure of souls, the exercise of hospitality, control of the choir and punishment of wrongdoers. The bp. wills that matins be said at early morning for the parishioners.

To prevent future dissension the bp. assigns specific revenues to the prebends. Land tithes (greater tithes) from Great Lumley, Little Lumley, Lambton (*Lampton*) and Woodstone (*Wodesende*), together with the tithe of coal (*minere carbonum*) pertain to the first prebend. The greater tithes of Lamesley, Kibblesworth (*Kyblesworth*), Ravensworth (*Revenesworth*), Darncrook (*Dernecrok*), Hedley, Lady Park (*Ladeshend*), Fugar House (*terra Furters*), *Raveneshelm* and *Newhouses* pertain to the second prebend. Those of Pelton, Pockerley (*Pokeley*), Pelaw (*Pellaw*), Picktree (*Piketre*), Tribley (*Tribeley*), Edmondsley (*Edmanesley*), *Steresley* and Nettlesworth (*Nettesworth*) pertain to the third prebend. Those of Chester and Whitehill (*Whitill*) pertain to the fourth prebend. Those of Tanfield, Lintz (*Lynce*), Crookbank (*Crok*), Tanfield-Lea (*Tamfeldley*), Stanley, Stanley Hall (*Stanesleyhall*), Causey (*Caldesete*) and *Steles* pertain to the fifth prebend. Those of Birtley (*Bruteley*), Harraton (*Heruerton*) and the moor of *Herden* pertain to the sixth prebend. Those of Urpeth (*Urpath*), Ouston (*Ulstan*) and Twizell (*Twysels*) pertain to the seventh prebend. The remainder of the parish of Chester, namely the land tithes of Plawsworth (*Plawseworth*) and Waldridge (*Walrigge*) and tithes from wasteland either enclosed or otherwise brought into cultivation is assigned for the use of those (prebendaries) residing at Chester, to be divided equally among such as reside personally for three months a year either consecutively or intermittently, this common distribution to take place at Martinmas[1] and Whitsun; and those who have resided half this time will receive a half-portion from the common fund or the appropriate portion but nothing further unless all have fully completed their period of residence. In addition the bp. orders that a tenth of the portion of each non-resident be assigned to those residing, and if none should reside, these tenths should be converted to the use of the church or of indigent poor within the limits of the respective prebends of the non-residents. As for the outer court of the church, it was to be divided at the bp's. will among the dean

[1] Omitted in error in *Monasticon* VI, 1339.

and the first three prebendaries for residences. Order of precedence in the stalls was ordained by the bp. to prevent dispute; thus the first stall on the south side was reserved to the bp. and his successors in token of pre-eminence. Beyond him on the south side sat the first, third, fifth and seventh prebendaries in that order. On the north side the dean had the first stall, followed by the second, fourth and sixth prebendaries in that order. This precedence was also to be observed in procession. The ordinance was promulgated with the consent of the chapter of Durham, saving the authority of the bp. and his successors: and dated from *Aukeland* 5 Id. Nov. 1286 and 3 c.n.

(Confirmations by Edward I on Charter Roll, 12 June 1292 (printed Prynne III, 460-2; *Monasticon* VI, 1338-9; CChR II, 422); by Boniface VIII, 15 March 1297 (*Reg.* I, no. 1894, cols. 719-23). Copy of exemplification of latter from reg. of bp. Kellawe[1] by bp. Beaumont, 26 July 1332 (Durham Reg. II, f. 326). Spelling of place-names from last-named source.)

7. 2[*Dec.*][2] *1286. Dover. Augmentation by bp. of Auckland prebend of mr. Adam de Bermpton.*

Antonius permissione divina Episcopus Dunelmensis dilecto in Christo filio magistro Ade de Bermpton precentori ecclesie Lincolniensis salutem cum benediccione et gracia salva[tor]is. Tue note probitatis optentu volentes te prosequi graciosis et prosperis incrementis, in augmentum tue prebende de Auckland', nostre diocesis, quam ex collacione bone memorie Roberti de Insula, nostri predecessoris inmediati, es canonice [conse]cutus tibi maiores decimas provenientes de terris Willelmi de Kellawe iuxta veterem parcum de Auckland' quas habuit ex dono predecessoris nostri memorati una cum maioribus decimis terre illius prope villam de Byres in quibus sacrista Dunelmensis ecclesie ius, sicut [dicitur, v]endicavit; decimas insuper tam vastorum iam cultorum quam redigendorum in posterum ad culturam de dominico nostro de Coundona in parochia [et extr]a concedimus, damus et tenore presencium assignamus. Ad hec, tibi decem libras sterlingorum a decano de Auckland' qui pro tempore s[it annuati]m percipiendas in festis sancti Martini et Pentecostes pro equalibus porcionibus in augmentum concedimus

[1] Not in Reg. Kellawe as now extant. [2] Possibly April.

et conferimus huius rei; ita quod te c[edente vel deced]ente, pensio cesset huiusmodi et penitus retractetur. Statuentes et decernentes et ordinantes quod prebende huiusmodi et t . . . invenire faciatis Capellanum de beata virgine Maria cotedie (*sic*) celebrantem ad altare eiusdem virginis de . . . supradicta, quem singulis horis canonicis et magne misse diei interesse volumus, disponimus et mandamus sub habitu. . . . Et in testimonium premissorum has litteras nostras patentes tibi sigillo nostro fecimus consignatas. Dat' apud Dovere quarto nonis . . . anno domini Millesimo CC octogesimo sexto et consecracionis nostre tercio.

(Contemp. copy (torn): Durham, Misc. Charter 5.)

8. *27/28 March 1288. Durham. Acceptance by bp. of sole responsibility for letters obligatory for £4000 to Italian merchants, undertaken jointly by him and pr. and c. of Durham.*

Universis presentes litteras visuris vel audituris A[ntonius] permissione divina Dunelmensis episcopus salutem in domino sempiternam. Noverit universitas vestra quod cum religiosus vir frater H[ugo] prior Dunelmensis et eiusdem loci conventus ordinis sancti Benedicti ad instanciam nostram nobiscum incommuni obligentur Restauro Boneaventure et sociis suis subscriptis, civibus et mercatoribus Florentinis de societate Mozozorum (*sic*) de Florencia in quatuor Mille libris sterlingorum vel pro precio et cambio earumdem in mille et quadringentis libris grossorum tornensuim (*sic*) argenti, locis, terminis, modo et forma subscriptis, infra quadrenium solvendis, prout continetur in quadam littera obligatoria quam nos et ipsi religiosi sub sigillis nostris prenominatis mercatoribus fieri fecimus et tradidimus, cuius tenor talis est:

Universis presentes litteras visuris vel audituris A. permissione divina Dunelmensis episcopus et frater Hugo prior Dunelmensis ac eiusdem loci conventus ordinis sancti Benedicti salutem in domino sempiternam. Noverit universitas vestra nos unanimi consensu et voluntate pro nobis, ecclesia nostra et successoribus nostris ac pro magnis et gravibus necessitatibus nostris et ecclesie nostre predicte mutuo recepisse et habuisse integraliter in pecunia numerata a Restauro Boneaventure, Simone Gerardi et Chinc Vesii, sociis, civibus et mercatoribus Florentinis mutuantibus et numerantibus atque recipientibus tam pro se quam pro domino Thoma Spiliati,

Lapo Hugonis de Spinis, Nero Cambii, Johanne Bentaviegne, Gerardo de Bosculis et aliis sociis et concivibus suis de societate Mozozorum de Florencia quatuor mille libras bonorum novorum et legalium sterlingorum, de quibus nos bene protestamur esse contentos et pacatos ac ipsas in usus et utilitatem nostram et ecclesie nostre predicte bona fide confitemur legitime esse conversas. Quas quatuor mille libras sterlingorum vel pro precio et cambio earumdem mille et quadringentarum librarum grossorum turonensium argenti quilibet nostrum in solidum promittimus et tenemur per legitimam stipulacionem bona fide et in verbo veritatis reddere, numerare et liberare predictis mercatoribus vel eorum uni seu eorum aut unius eorum nuncio vel procuratori aut cuicumque seu quibuscumque iidem mercatores vel eorum aliquis pecuniam predictam citra mare vel ultra dare, vendere, vel assingnare (*sic*) voluerint seu ad hoc[1] assignatorum vel assingnati certo attornato, locis, terminis, modo et forma subscriptis, videlicet apud Novum Templum, London', in festo nativitatis sancti Johannis Baptiste, anno domini M°CC°Octogesimo Nono, mille libras sterlingorum vel ab illo die in duos menses continue computandos in domo auditoris Camere domini pape in Curia Romana trescentes et quinquaginta libras grossorum turronensium argenti; et in predicto festo sancti Johannis Baptiste, anno domini M°CC° Nonogesimo apud Novum Templum, London', mille libras sterlingorum vel ab illo die in duos menses continue computandos in domo auditoris Camere domini pape in Curia Romana trescentes et quinquaginta libras grossorum turonensium argenti; et in predicto festo sancti Johannis Baptiste anno domini M°CC° Nonogesimo primo apud Novum Templum, London', mille libras sterlingorum vel ab illo die in duos menses, sicut prius continetur usque istud verbum *argenti*; et in eodem festo sancti Johannis Baptiste anno domini M°CC° Nonogesimo secundo apud Novum Templum, London', sicut prius usque ad istud verbum *argenti*, fideliter et sine ulteriori dilacione. Concedimus etiam predictis mercatoribus et eorum cuilibet in solidum ac eorum seu unius eorum certis assingnatis vel assingnato liberum arbitrium petendi et recipiendi a nobis et quolibet nostrum in solidum predictam [pecuniam] ad terminos antedictos et eorum quemlibet, vel apud Novum Templum, London', in sterlingis ut predictum est vel in

[1] *Id et huius* in MS.

Curia Romana in grossis turronensibus argenti prout sibi melius viderint expedire. Pro quibus omnibus et singulis antedictis firmiter et fideliter observandis et adimplendis quilibet nostrum in solidum obligamus predictis mercatoribus et eorum unicuique insolidum et quibuscumque seu cuicumque pecuniam predictam dederint, vendiderint aut assingnaverint, ut predictum est, nos et quemlibet nostrum in solidum, ecclesiam nostram predictam, successores nostros et omnia bona nostra, ecclesie nostre et successorum nostrorum, mobilia et inmobilia, ecclesiastica et mundana, presencia et futura, ubicumque fuerint inventa, usque ad plenariam satisfaccionem et observacionem omnium et singulorum premissorum, et etiam usque ad integram restitucionem omnium dampnorum, interesse et expensarum qui quod quas dicti mercatores vel unus eorum aut eorum seu unius eorum nuncius vel procurator assingnati vel assingnatus suo simplici verbo tantum, sine iuramento vel alterius onere probacionis, se dixerint seu dixerit fecisse vel incurisse occasione dicte pecunie suis locis et terminis in forma predicta non solute: que dampna, expensas et interesse solvere promittimus eisdem per stipulacionem antedictam et ea nullatenus in sortem supradicti debiti principalis computare vel aliquam partem ipsius debiti racione dictarum expensarum, dampnorum et interesse detinere. Et expresse volumus et consentimus per nos, ecclesiam nostram et successores nostros quod auditor camere domini pape qui pro tempore fuerit vel quicumque alius iudex nos, ecclesiam nostram et successores nostros et quemlibet nostrum in solidum ad solucionem et satisfaccionem tam pecunie memorate quam dampnorum, interesse et expensarum predictarum si in solucionibus predictis vel ipsorum aliqua in toto vel in parte, quod absit, cessaverimus, sine iudicum strepitu per censuram ecclesiasticam, libello vel articulo non oblato, unica sola monicione premissa possit compellere ac compellat de die in diem, cuius iurisdicioni (*sic*) et cohercioni nos, ecclesiam nostram et successores nostros specialiter supponimus; renunciantes in premissis omnibus et singulis supradictis pro nobis, ecclesia nostra [et] successoribus nostris omni iuris auxilio canonici et civilis, privilegio clericatus et fori, excepcioni non numerate, non solute, non tradite nobis dicte pecunie, et in usus et utilitatem nostram et ecclesie nostre non converse, omni consuetudini et statuto, regie prohibicioni, iudicum convencioni et locorum contradictioni, litter-

arum apostolicarum beneficio, restitucioni in integrum, novarum constitucionum beneficio, epistole divi Adriani, exceptioni doli et mali, vis, metus et fraudis, institucioni, actioni, condiccioni indebite, sine causa et ex iniusta causa, omni appellacionis remedio, omni tempori feriato, privilegiis cruce singnatis et cruce singnandis concessis et concedendis, et privilegio Anglicis concesso ne trahantur extra rengnum Anglie ad causas per litteras apostolicas, iuri revocandi domum, omnibus gratiis, litteris, privilegiis, indulgenciis et inmunitatibus nobis, ecclesie nostre et ordini nostro a sede apostolica vel a quacumque alia curia impetratis et inpetrandis, peticioni copie litterarum presencium, peticioni et oblacioni libelli vel articuli, et iuri dicenti quod nisi creditores probaverint pecuniam mutuatam in usus et utilitatem ecclesie esse conversam aliter quam per litteras convencionales illam repetere non possint, et iuri dicenti generalem renunciacionem non valere seu tenere, et omnibus aliis excepcionibus dilatoriis et peremptoriis, iuribus, cavillacionibus aut defensionibus personalibus seu realibus que de iure vel de facto aliqua racione contra premissa vel eorum aliquid obici possent vel opponi, vel que nobis quoquomodo possent prodesse et dictis mercatoribus vel eorum assingnatis seu assingnato nocere. Omnia autem et singula antedicta quilibet nostrum in solidum pro nobis, ecclesia nostra et successoribus nostris bona fide et in verbo veritatis attendere, observare et efficaciter adimplere promittimus. In cuius rei testimonium nos prenominatus A. permissione divina Dunelmensis Episcopus presentibus litteris sigillum nostrum apponi fecimus et nos predictus H. Prior Dunelmensis et eiusdem loci conventus sigillum commune capituli nostri una cum sigillo ipsius prioris litteris eisdem apposuimus. Dat' apud Dunelmum publice in capitulo nostro, die Sabbati scilicet XXVII die mensis Marcii anno domini M°CC° Octogesimo octavo.

Nos prefatus A. Dunelmensis episcopus pro nobis, ecclesia nostra et successoribus nostris episcopis Dunelmensibus ac pro nostris et ecclesie nostre mangnis et arduis negociis confitemur et protestamur nos omnes prenominatas quatuor mille libras sterlingorum a predictis mercatoribus mutuo recepisse et habuisse integraliter in pecunia numerata, et eas in usus nostros proprios et utilitatem nostram, ecclesie nostre et successorum nostrorum episcoporum Dunelmensium integre et specialiter fatemur esse conversas; excepcioni

non numerate, non solute et non tradite nobis integraliter predicte pecunie penitus et expresse renunciantes. De quibus vero quatuor mille libris sterlingorum pro nobis, ecclesia nostra, [et] successoribus nostris episcopis Dunelmensibus promittimus et tenemur bona fide et in verbo veritatis prenominatos priorem et conventum et eorum successores penes dictos mercatores et eorum seu unius eorum certos assingnatos seu assingnatum integre et fideliter acquietare et semper ubique et in omnibus indempnes observare: obligantes in hac parte predictis priori et conventui et eorum successoribus nos, ecclesiam nostram et successores nostros episcopos Dunelmenses et omnia bona nostra, ecclesie nostre et successorum nostrorum, mobilia et immobilia, ecclesiastica et mundana, ubicumque fuerint reperta, omnibus et singulis modis, quibus nos et predicti religiosi prenominatis mercatoribus in littera superius scripta obligamur usque ad finalem acquietacionem predictam faciendam et predicte indempnitatis observacionem, omnibus etiam et singulis excepcionibus in prescripta littera contentis pro nobis, ecclesia nostra et successoribus nostris episcopis Dunelmensibus penitus et expresse renunciantes. In cuius rei testimonium presentibus litteris sigillum nostrum fecimus apponi. Dat' Dunelmi die dominica scilicet XXVIII^{mo} die mensis Marcii anno domini M^{o}CC^{o}LXXX° octavo.

(Contemp. copy: Durham, Loc. 7, no. 22c.)

9. *29 March 1288. Durham. Permission of bp. to pr. and c. of Guisborough to serve vicarage of Hart by two canons for life-time of existing pr.*

Pateat universis sancte matris ecclesie filiis quod nos Antonius dei gracia Episcopus Dunelmensis concedimus de zelo pietatis et de nostra gracia speciali ut ob onera, pias elemosinas et grata indigencium subsidia que dilecti et precordiales in Christo filii Willelmus de Mydlesburg' Prior et conventus de Gyseburn' agnoscunt onerose et supportant multipliciter hiis diebus, idem Willelmus et conventus vicariam ecclesie de Hert, nostre diocesis, cum obvencionibus solitis et pertinenciis ad vitam eiusdem Willelmi prioris in presenti, quem visceraliter amplectimur et diligimus, in usus relevacionis eorumdem libere retineant et convertant; ita quod eidem vicarie per duos honestos et discretos canonicos faciant interim congrue, debite et assidue deserviri et hospitalitatem pauperum in eadem vicaria

quatenus poterunt observari. Nolumus tamen quod prior, conventus de Gyseburn' aut canonici ibidem deservientes possint post decessum predicti Willelmi nunc Prioris eorumdem quicquam iuris vel usus in eadem vicaria ex huiusmodi gracia vendicare set in decessu vel cessione ipsius Willelmi eam vicariam volumus et decernimus prorsus vacare, adeo quod nisi ad ipsam a tempore decessus vel cessionis huiusmodi infra tempus a canone prefinitum canonice presentaverint extunc ad nos sive successores nostros ius conferendi per lapsum temporis libere devolvatur. In quorum omnium testimonium huic scripto dupplicato et penes nos et predictos priorem et conventum de Gyseburn' pro partibus remanenti nostrum et ipsorum sigilla mutuo apponuntur. Dat' Dunelmi IIII^to^ Kal' Aprilis anno domini Millesimo Ducentesimo Octogesimo octavo et consecracionis nostre quinto.

(Original: Durham, Misc. Charter 6193; Copy: Reg. I ii, ff. 27v.-8.)

10. *28 April 1288. Westminster. Appointment of bp. as keeper of Rievaulx abbey by regent of England.*

Notification that the king has taken Rievaulx (*Ryevall*) abbey, in a state of decay through murrain, under his protection, and, at the request of ab. and c., has appted. A. bp. of Durham keeper thereof during pleasure.

(Patent Roll: CPR 1281-92, p. 294.)

11. *1 May 1288. London. Request to Pope Nicholas IV from the bp. of Durham for canonisation of Robert Grosseteste.*

Sanctissimo in Christo patri et domino intime reverendo domino Nicholao, dei gracia summo pontifici, vestre sanctitatis servus humilimus, pronus et devotus, Antonius ecclesie Dunolmensis minister licet inutilis, modicus et indignus, se ipsum ad sanctissima genua provolutum, et eciam visceraliter et ex corde desideratissima pedum oscula beatorum. Benedictus pater omnipotens altissimusque creator et pius dispositor omnium que creavit, qui merita bene merencium in hac vita sub modio et tenebrarum nubilo non sinit nec sustinet obfuscari, quin pocius lucernas et lumina spiritualia creaturarum racionabilium partim abscondita, tandem secundum magnifica meritorum opera certis Christi cultoribus in exemplum

dirigit et producit. Sane pater venerande, fenix singularis et divulgata felicitas in fenice que in ecclesia Anglicana secundum credulitatem et famam hiis diebus imminet et coruscat, me mestum et miserum animat et excitat ad scribendum; set vereor prescita et primitus pure precognita celebri vestro auditui importune et perperam inculcare, inquam certis auribus temerarie et timide inculcare: quia quo ad famam acceptabilem et creberimum clamorem Regum, regnorum et regnicolarum quasi tocius orbis insignia varia virtutum, actus acceptabiles meritorum et infinita profectus et pietatis exempla, per vitam veram et virtuosam dum vixit, et per mirificam munificenciam altissimi post mortem et casum tam excellentis abietis et cedri hactenus in ecclesia dei iam diucius pulularunt, ac pie iam odorifere pululant et subcrescunt: pium igitur et meritorium opinor pater venerande et estimo coram deo de existencia et realitate fame centrum celeriter perscrutari et lucem producere in ecclesiis et Christi amatoribus affectatam. Et ut cum vestra sancta licencia loqui possim, Robertus quondam Lincolniensis episcopus est ortus, causa et occasio suggestorum. Conservet vos ecclesie et populo suo deus per tempora feliciter diuturna. Dat' London' primo die mensis Maii, Anno gracie millesimo ducentesimo octuagesimo octavo.

(Notarial copy: Lincoln Dean and Chapter Muniments, Di/20/2/i/l.)

12. *21 Aug. 1288. Norham. Confirmation by bp. of division of marsh of Beal, Berwickshire, between Patrick, earl of Dunbar, and pr. Thomas and the monks of Coldingham.*

Letters patent of bp., given at Norham on 12 kal. Sept. 1288 and c.n. 5, confirming charter of Patrick, earl of Dunbar, to pr. Thomas and monks of Coldingham as result of dispute over Beal marsh. The earl freely yields to St. Cuthbert, the pr. and monks of Coldingham half the marsh of Beal (*Bylie*), lying between the two Restons (*duas Rystonas*) and *Aldengrawe* on the one side and between Chirnside (*Chyrnesyde*) and Blackburn (*Blakeburne*) on the other, so that neither the earl nor his men nor their beasts may enter the monks' portion to graze or to take [profit]; and neither pr., monks nor their men may enter the earl's portion to graze or to take [profit]. Witnesses: Patrick, the earl's son, Walter de Lyndesey, sheriff of Berwick (*Berewik*), Roger de Merley, steward of earl Patrick, Pat-

rick son of Adam, John de Letham, Adam de Pouleswrthe, William de Mordingtona, Henry de Prendirgest, William de Wydeslade, Alan de Swintona, Thomas de Nesbyth, William de Lummesden and others.

(Original: Durham, Misc. Charter 1245; cf. Raine, *North Durham*, app., pp. 27-8, 93.)

13. *21 Aug. 1288. Norham. Confirmation by bp. of 3 charters of earls of Dunbar to pr. and c. of Coldingham concerning Beal marsh.*

Letters patent of bp. given at Norham on 12 kal. Sept. 1288 and c.n. 5, confirming (1) charter of Patrick, earl of Dunbar, granting to St. Cuthbert and pr. and monks of Coldingham in free alms half of Beal (*Bilye*), lying between the two Restons and *Aldengrawe* to one side, and Chirnside and Blackburn to the other. The pr. and monks are to hold in perpetuity and as freely as any holding in free alms in Lothian (*Leodonia*). Witnesses: Patrick, the earl's son, Walter de Lyndessey, sheriff of Berwick, Roger de Merley, steward of earl Patrick, Patrick son of Adam, John de Letham, Adam de Pouleswrth, William de Mordingtona, Henry de Prendergest, William de Wydeslade, Alan de Swyntona, Thomas de Nesbyth, William de Lummysden and others. Also (2) charter of earl Patrick son of Patrick son of Patrick, earl of Dunbar, granting to St. Cuthbert, pr. Henry and the monks of Coldingham half of Beal (*Bilye*) lying between the two Restons and *Aldengrawe* to the one side, and Chirnside and Blackburn to the other, so that the earl, his heirs, and his men or their beasts may not enter the pr's. part to graze or take [profit], nor may the pr. or monks or their men enter the earl's part to graze or take [profit], according to the composition made between earl Patrick, the present earl's grandfather, and pr. Thomas and the c. of Coldingham. Witnesses: Patrick Edger, the earl's steward, Robert, the earl's uncle, David de Graham, sheriff of Berwick, Simon Bayard, Adam de Edington, Robert de Montgomeri, William de Scremerstona, John the chaplain, the earl's proctor, Thomas de Nesbyth, Robert son of the steward of Coldingham, Adam de Predirgest and others. Also (3) charter of earl Patrick son of Patrick son of Patrick, earl of Dunbar, granting to St. Cuthbert, pr. and monks of Coldingham in free alms half of Beal (*Bylie*)

lying between the two Restons and *Aldengrawe* to one side and Chirnside and Blackburn to the other. They are to hold in perpetuity as freely as any holding in free alms in Lothian (*Leodonia*), as in the charter of earl Patrick, the present earl's grandfather. Witnesses: David de Graham, sheriff of Berwick, Aymer, sheriff of Roxburgh (*Rokeburg'*), Nicholas de Soules, William de Mordingtona, Robert de Mundegumeri, Patrick Edger, the earl's steward, Robert, the earl's uncle, Robert de Pouleswrthe, Adam de Morham, William de Scremerston, Adam de Prendirgest, Thomas de Nesbyth and others.

(Original: Durham, Misc. Charter 1242; cf. Raine, *North Durham*, app., pp. 28, 32, 93.)

14. *24 Aug. 1288. Norham. Foundation of chantry by bp. at Norham in accordance with grant of Richard de St. Oswald, proctor of Norham.*

Universis sancte matris ecclesie filiis ad quos presentes littere pervenerint A. permissione divina Dunelmensis episcopus salutem in domino sempiternam. Noveritis quod nos ad honorem dei et beatissime matris eiusdem ac divini cultus augmentum damus, concedimus et ordinamus pro nobis et successoribus nostris inperpetuum totam illam carucatam terre cum viginti quatuor acris et dimidia in territorio de Norham cum manso principali ad eandem pertinente in eadem villa quam de nobis Ricardus de sancto Oswaldo clericus, dictus procurator de Norham, in capite tenuit et postea nobis et successoribus nostris reddidit, concessit et quietum clamavit de se et heredibus suis vel assignatis inperpetuum cum omnibus suis pertinenciis, libertatibus et asiamentis, sine aliquo retinemento prout in carta quiete clamacionis quam inde nobis fecit plenius continetur; ad inveniendum et sustinendum unum cappellanum qui de beata virgine perpetuis temporibus ad altare omnium sanctorum in ecclesia parochiali de Norham continue celebrabit: volentes, statuentes et diffinientes cantariam huiusmodi per nos et successores nostros de predicta terra inperpetuum observandam et inviolabiliter supportandam, salvis nobis et successoribus nostris serviciis inde debitis et consuetis. Volentes nichilominus quod idem Ricardus quoad vixerit quatraginta (*sic*) solidos sterlingorum de prefata terra ad cuiuscumque manus devenerit percipiat annuatim, una cum commoditate et usu unius camere cum camino et celario que est ex parte

orientali mansi supradicti: ita tamen quod post decessum predicti Ricardi dicta terra ab huiusmodi pensione quatraginta solidorum libera sit et quieta et cum camera memorata revertatur integraliter ad capellanum qui pro tempore contigerit ibi esse. Istam itaque cantariam sic ordinatam, taxatam et assignatam domino Roberto de Norham capellano et alumpno predicti Ricardi de cuius meritis firmam spem in domino reportamus, contulimus intuitu pietatis: post cuius decessum statuimus et ordinamus quod per nos et successores nostros aliis successive capellanis idoneis, notis et approbatis deinceps absque more dispendio conferatur. Statuentes quod decetero sub nostra et successorum nostrorum speciali proteccione consistat et illibata permaneat et inconcussa. Si quis autem huiusmodi ordinacionem nostram infringere presumpserit vel ei ausu temerario contraire, maioris excommunicacionis sentenciam se noverit incursurum. Et in testimonium premissorum sigillum nostrum presentibus duximus apponendum. Dat' apud Norham die sancti Bartholomei videlicet nono kal' Septembris, anno domini M°CC° Octogesimo Octavo et consecracionis nostre anno Quinto.

(Copies of conf. by pr. and c. of Durham, 3 July 1289; Durham, Misc. Charter 5550; Reg. I ii, ff. 33v.-34.)

15. *c. 1286-9.*[1] *Request from bp. to king for secular aid against various excommunicates.*

Excellentissimo principi et domino suo domino Edwardo dei gracia Regi Anglie Domino Hibernie et Duci Aquitanie Antonius eadem gracia Dunelmensis Episcopus tanto domino debitam reverhenciam (*sic*) et honorem. Quia Walterus de Edeligham, miles, Ricardus de parva Tussan' et Willelmus dictus Malefauter, nostre diocesis, per nos auctoritate ordinaria ob ipsorum contumaciam et manifestam offensam maiori excommunicacionis sentencia canonice innodati in ea per XL^a^ dies et amplius animo indurato pertinaciter indurarunt et adhuc claves ecclesiasticas contempnendo dapnabiliter (*sic*) perseverant, vestram regiam maiestatem attencius petimus pariter et rogamus quatinus ad insollenciam dictorum rebellium reprimendam iuxta optentam et approbatam regni vestri consuetudinem, vestre regalis potencie brachium velitis extendere contra eos

[1] Cf CPR 1281-92, pp. 218, 219, 319.

ut quos ecclesiastice censure timor a malo non revocat, secularis potestas coherceat acrius et compescat. Conservet vestram potenciam Altissimus per tempora prospera et votiva. Dat' etc. (*sic*).

(Formulary roll: Durham, Misc. Charter 5712, m. 6.; calendared S.S. 155, p. 237.)

16. *20 Feb. 1290. Westminster. Appt. by Edward I of bp. as keeper of Scottish royal lands in Cumberland and Tynedale.*

Mandate of king to Thomas de Normanvill, escheator beyond Trent, to deliver to A. bp. of Durham the lands of Penrith (*Penerth*) in Cumberland and Tynedale in North'land, granted by Henry III to the late Alexander, king of Scots, and Margaret, his consort. The custody of these lands has already been given to the bp. orally.

(Patent Roll: CPR 1281-92, p. 346.)

17. *16 March 1290. Wark [on Tweed]. Licence of bp. to c. of Durham to elect a prior.*

Antonius permissione divina Dunelmensis episcopus dilectis in Christo filiis suppriori et conventui ecclesie nostre Dunelmensis salutem, graciam et benediccionem. Ad presenciam nostram accedentes discreti viri et dilecti in Christo filii fratres Gilbertus de Shireburn et Henricus de Tesdall', conmonachi vestri ad nos cum vestris litteris patentibus destinati, humili nobis ex parte vestra peticione supplicarunt, ut cum domus vestra per cessionem dilecti in Christo filii fratris Hugonis de Derlyngton' quondam prioris eiusdem sit prioris solacio destituta, vobis eligendi priorem licenciam concedere dignaremur. Nos igitur affectu paterno vobis compacientes ac vestris precibus benignius annuentes, salvis in omnibus que ad nos et successores nostros de iure debuerint pertinere, licencie munus vobis concedimus postulate, mandantes et diligenter in domino exhortantes quatinus virum ydoneum, deo gratum, ecclesie necessarium et nobis fidelem et devotum vobis assumere curetis et eligere in priorem, ut in ipsius promocione cultus augeatur divinus et ecclesiastica negocia comode procurentur domuique vestre ac patrie pax et tranquillitas, favente altissimo, preparentur. Reservamus eciam nobis liberam et plenam potestatem providendi memorato fratri Hugoni de bonis et proventibus monasterii nostri sicut deo complacere et ecclesie nostre Dunelmensi predicte viderimus expedire.

Bene valete. Dat' apud Werk XVII kal' Aprilis anno gracie MCC octogesimo nono et consecracionis nostre anno septimo.

(Enregistrations: Durham, Reg. Langley, f. 85; Cart. I, f. 83v.)

18. *28 June 1290. Havering, Essex. Permission from Edward I to bp. to repay debts to Exchequer by yearly instalments.*

Grant by king to bp. to pay his debts at the Exchequer by yearly instalments of £100; his successors and heirs to pay off in equal shares any residue after his death.

(Patent Roll: CPR 1281-92, p. 369.)

19. *27 Aug. 1290. Northampton. Assignment by Edward I to bp. of various lands and wardships against Norwegian obligations.*

A. bp. of Durham, having bound himself to pay yearly £400 to certain Norwegians until the lady Margaret, daughter of Eric, king of Norway, and queen of Scotland, attains the age of fifteen, the king assigns to him for this period in recompense the manors of Wark on Tyne, Penrith, Scotby (*Scotteby*), Carlatton (*Karlaton*), Langwathby, Salkeld and Sowerby, valued at £368 16s. 8d. yearly; Hutton in Cleveland, lately held by Hugh de Hoton, tenant-in-chief, valued at £10; and half the vill of Hartley (*Hertelawe*) [North'land], late of Gilbert de Middilton, tenant-in-chief, valued at £15 16s. 8d., these latter being in the king's hands by reason of minority of heirs. Thomas de Normanvill, escheator beyond Trent, is to supply the balance of the £400 out of wardships and escheats in his bailiwick.

(Patent Roll: CPR 1281-92, p. 386; printed in full, Stevenson I, 178-9.)

20. *18 Sept. 1290. Durham. Grant by bp. of land in Darlington to William son of Benedict of Darlington.*

Omnibus Christi fidelibus ad quos presens scriptum pervenerit A. dei gracia Dunelmensis Episcopus salutem in domino. Noveritis nos dedisse, concessisse et hac presenti carta nostra confirmasse Willelmo filio Benedicti de Derlington' pro homagio et servicio suo quatuor acras tres rodas et quatuor perticatas terre nostre iacentes in campo orientali de Derlington' iuxta partem australem parci nostri super Biscopflat de dominicis et bondagiis nostris in excambium unius pecie terre que fuit predicti Willelmi quam infra parcum

nostrum de Derlington' de novo inclusimus. Tenendam et habendam predictam terram separabiliter de nobis et successoribus nostris sibi et heredibus suis vel suis assignatis per eadem servicia et per eandem firmam per quas aliam terram suam de predecessoribus nostris tenuit, libere, quiete, integre et pacifice, cum omnibus libertatibus et liberis consuetudinibus que ad aliam terram suam aliquo modo pertinent absque omni alio servicio, consuetudine, exaccione, auxilio vel demanda seculari. Et ut hec nostra donacio, concessio et presentis carte nostre confirmacio rata, stabilis, et inconcussa imperpetuum permaneat, huic carte sigillum nostrum apponi fecimus. Hiis testibus: magistro Willelmo de sancto Botulpho, tunc senescallo nostro Dunelmensi, domino Petro de Thoresby, tunc cancellario nostro, domino Guychardo [de] Charron, tunc vicecomite nostro; dominis Johanne Marmeduc, Gilberto de Heuurth', Ricardo de Chartenay, Hugone de Burdon', militibus; Willelmo Redhod de Derlington', Petro clerico, Willelmo de Ruley, Radulpho de Groys, Gilberto de Graystane, Johanne de Blacwell, Hugone fratre suo, et multis aliis. Dat' apud Dunelmum die lune proxima ante festum sancti Mathei apostoli et euuangeliste, per manum magistri Willelmi de sancto Botulpho senescalli nostri, anno consecracionis nostre septimo.

(Conf. by pr. and c. of Durham, 27 Dec. 1290; Durham, Reg. I ii, f. 33r.-v.)

21. *15 Nov. 1290. Gateshead. Provisional grant to bp. by John de Balliol of manors of Penrith and Wark on Tyne.*

Universis ad quorum noticiam presens scriptum pervenerit Johannes de Baliol' heres regni Scocie salutem. Noveritis quod cum nuper deder[imus], concesserimus et per cartam nostram confirmaverimus dilecto nostro domino Antonio dei gracia Dunelmensi Episcopo manerium de Werk in Tynd[al] in Comitatu Northumbrie et manerium de Penreth et omnia alia maneria, terras et tenementa cum pertinenciis suis que nobilis vir Alexander, [illustris Rex Scocie,] tenuit in Comitatu Comberlandie, volumus et concedimus pro nobis et heredibus nostris quod si dominus Edwardus [illustris] Rex Anglie huiusmodi donacionem ratam non habuerit et acceptam, nos eidem Antonio et heredibus suis Quingentas ma[rcatas terre] in regno Scocie in loco competenti dabimus et per

cartam nostram confirmabimus per consideracionem et estimacionem vir[orum probatorum et] legalium estimatas. Ad que omnia fideliter facienda et complenda obligamus nos, heredes nostros et omnes terras [nobis] obvenientes racione successionis in regno Scocie supradicto. In crt. presenti scripto in modum Cyrographi confecto, cuius una pars penes nos et alia pars residet penes Episcopum supradictum, sigilla nostra alternatim sunt apposita. Dat' apud Gatesheued XVII kal. Decembris anno domini MCC Nonogesimo.

(Original: B.M., L. F. Campbell Charters xxx, 9.)

22. *9 March 1291. Bp. Middleham. Grant by bp. of waste lands [between rivers Browney and Deerness] to Roger de Esshe.*

Grant by bp. to Roger de Esse for homage and service of 50a. new waste, of which 39½a. lie to one side by Middlewood (*Middeluuod*) to the north, from the field of Flass (*Flaskes*) to *Brandonweyes*; ½a. ½ rood lie between the field of Esh (*Esse*) and Hollingside (*Hurtelnokside*); 2a. at *Cokside* between the field of that vill and the land of Robert de Bruningghill; and 8a. to the north of Cornsay (*Cornesough*), namely, half the enclosure which Robert son of Stephen of Cornsay previously held of the Durham exchequer; to hold by Roger, his heirs and assigns, of the bp., his successors and the church of Durham. Roger and his heirs may enclose this and hold it in severalty, rendering to the exchequer at Durham 20s. at the usual four quarters of the year for all services and other demands. His heirs will pay a relief of ½ mark. Witnesses: mr. William de St. Botulph, then steward of Durham, mr. Adam de Driffeld, mr. John de Craven; Peter de Thoresby, Thomas de Leuesham, John, parson of Seaham; sir Guischard de Charron, sir Robert de Hilton, sir John son of Marmaduke, knts.; Henry de Insula, Hugh de Scouland, Hugh de Monte Alto, Hugh de Knicheley, John Skirlock, Thomas de Eggleston, Thomas de Undele, clerk, and others. Given at Middleham 7 Id. March, c.n. 8.

(Conf. by Edward II, 4 March 1312, on Patent Roll: CPR 1307-13, pp. 435-6; RPD IV, 99-100.)

23. *20 July 1291. Balloch, Dunbartonshire. Commission of bp. associating John de Lithegreyns with his justices of assize.*

Antonius permissione divina Dunelmensis Episcopus dilecto et

fideli suo Johanni de Littegreyns salutem. Sciatis quod associavimus vos Guychardino de Charrons et Petro de Thorresby ad assisam de placito transgressionis capiendam quam Ranulphus de Neyvill' arramiavit per breve nostrum coram prefatis Guychardino et Petro versus Priorem nostrum Dunelmensem. Et ideo vobis mandamus quod assisam illam una cum predictis Guychardino et Petro capiatis, facturis inde quod ad iusticiam pertinet; salvis nobis amerciamentis inde provenientibus. In crt. has litteras nostras fieri fecimus patentes. Dat' apud Ballothen in Scocia XIII kal. Augusti, consecracionis nostre anno VIII°.

(Original: Durham, Loc. 4, no. 156. Copy: Durham, Reg I ii, f. 89v.)

24. *Undated. Grant by bp. to John Bille of Durham of various lands.*

Grant by bp. to John Bille of Durham for homage and service of 84½ a. ½ rood of new waste whereof 23 a. lie in *Danielleyes* by Stobbilee (*Stobbiley*) in the parish of Lanchester; 14 a. by St. Leonard's Hospital, Durham, in the parish of St. Oswald the king; 6 a. in Milnburnhead (*Milneburnheued*) by Durham, in the same parish; 12 a. in the moor of Cleadon (*Cliveden*) by the land of Alexander de Bidik in the parish of Whitburn (*Wyteberne*); 3½ a. ½ rood at the end of Cleadon vill in Whitburn parish; and 25 a. in the same parish between the new moor of the bondsmen of East Boldon (*Estboldona*) and the Fleet ditch (*sikettum de Fletes*); to hold by John, his heirs and assigns, at annual rent to the bp. and his successors at the Durham exchequer of 55 s. 7½ d. at the four customary terms, namely 5s. for the 23 a. at *Danielleyes*; 7s. for the 14 a. by St. Leonard's Hospital; 3s. 7½d. for the 3½ a. ½ rood at end of Cleadon; 3s. for 6 a. at Milnburnhead; 12s. for the 12 a. by land of Alexander de Bidik; and 25s. for the 25 a. in the new moor of the bondsmen of East Boldon, for all services and other secular demands. His heirs will pay a relief of ½ mark. Witnesses: mr. William de St. Botulph, then steward of Durham, mr. Alan de Esingwald, mr. Adam de Driffeld, Peter de Thoresby, Thomas de Leuesham, Richard de Overton, Geoffrey de Schyreburn, bp's. clerks; Guichard de Charona, Robert de Hilton, John son of Marmaduke, William de Laton, knts.; sir Ralph de Warsoppe, then sheriff of Durham,

William de Kellawe, John de Insula, Henry de Insula, Walter de Bermeton, John de Birteley, Walter de Scrotevile, Alexander de Bidik, John de Osworth, Walter de Wessington, William de Redehough, Thomas de Yelton and others.

(Confs. by Edward I, 11 Aug. 1292, on Patent Roll: CPR 1281-92, p. 504; by pr. and c. of Durham, 29 April 1293[1]: Durham, Misc. Charter 2353; Reg. I ii, ff. 30v.-31.)

25. *19 Sept. 1291. Devizes, Wilts. Letters of bp. indemnifying his sureties, the bps. of Bath and Wells, and Ely, for a loan of 6000 marks from Edmund, earl of Cornwall.*

Universis Christi fidelibus ad quos presentes littere pervenerint Antonius permissione divina Dunelmensis episcopus salutem in domino sempiternam. Noverit universitas vestra quod cum nos ab egregio viro domino Eadmundo comite Cornubie pro nostris et ecclesie nostre Dunelmensis arduis negociis expediendis sex milia marcarum bonorum et legalium sterlingorum mutuo recepissemus, per manus venerabilium patrum dominorum Roberti Bathoniensis et Wellensis et Willelmi Eliensis dei gratia Episcoporum, seu ministrum ipsorum et nostrum eidem Comiti persolvendo ad terminos infrascriptos, videlicet in festo sancti Cuthberti quod fuit anno domini M°CC° Nonogesimo primo apud Novum Templum London' Quingentas marcas; et in festo sancti Cuthberti in mense Septembri nunc proximo veniente alias quingentas marcas et sic deinceps in anno in annum ad singulos terminos predictos et locum singulas quingentas marcas donec predicta peccunie summa bene ut premittitur fuerit persoluta; ac venerabiles patres predicti domini Robertus et Willelmus ad nostram instanciam pro predictis solucionibus dictis loco et terminis faciendis se et ecclesias suas eidem comiti duxerint obligandos: nos, attendentes ipsorum episcoporum curialitatem et gratitudinem, et nolentes eosdem ex hoc incommoda sicut nec convenit reportare, et confitentes predictam pecunie quantitatem in nostre ecclesie predicte utilitatem fuisse conversam, et renunciantes excepcioni non numerate, non tradite et non solute pecunie, et beneficio restitucionis in integrum et omni iuri scripto et non scripto, canonico et civili, per quod possemus predictam summam pecunie

[1] The conf. by pr. and c. does not include the 6a. in Milnburnhead, subsequently recovered by them before justices of assize in 1305. RPD IV, 7-9; cf. no. 101.

vel partem ipsius nobis non numeratam vel traditam seu in utilitatem dicte ecclesie nostre non conversam fuisse, et omni alii iuri et racioni, privilegio crucis sumpte et assumende, regie prohibicioni per que seu quod possemus contra predicta vel aliquod predictorum per nos vel alium venire et quod nobis posset prodesse ad veniendum contra predicta vel aliquod eorumdem, promittimus per solempnem stipulacionem et in verbo episcopi nos predictos Episcopos et quemlibet eorumdem et eorum ecclesias de predicta obligacione omnino servare indempnes, nos, ecclesiam nostram et successores nostros, terras et tenementa et omnia alia bona ad nos qualitercumque pertinencia ad quorumcumque manus devenerint et heredes nostros quicumque fuerint, eisdem episcopis et eorumdem ecclesiis obligando. Et volumus et concedimus pro nobis et successoribus et heredibus nostris quod si de nobis humanitus contigerit ante completam dicte pecunie solucionem, heredibus et executoribus nostris omnis bonorum nostrorum administracio penitus adimatur quousque dicta pecunia plene fuerit persoluta: renunciantes ut supra omnibus et singulis supradictis et etiam aliis quibuscumque per que predicte soluciones vel earum aliqua possent aliquatenus impediri vel eciam retardari et que dictis episcopis vel eorum alteri possent afferre aliquod nocumentum. In crt. . . . Dat' apud Deruses (*sic*) XIII kal' Octobris anno domini M°CC° Nonogesimo primo et regni regis Edwardi decimo nono.

(Contemp. copy of ratification by pr. and c. of Durham, 25 Aug. 1292: Durham, Loc. 7, no. 22b.)

26. *3 Nov. 1291. Bp. Auckland. Authenticated copy by bp. of 2 letters patent of pope Nicholas IV relative to crusade.*

Authentication by bp. of letters of Nicholas IV dated at Orvieto, 18 March 1291, directed (1) to the archbp. of York and his suffragans. The pope has announced a general crossing for 24 June 1293 to recover the Holy Land. The addressees are empowered, when they have any assembly to which they shall preach the crusade, to grant the hearers an indulgence of 100 days. They may absolve intending crusaders from excommunication provided this has been incurred for no grave cause. Each can appoint two suitable clerks to preach it, with these same powers of indulgence and absolution. Finally, they are to copy these letters and certify the pope of their perform-

ance. (2) to all the faithful. The pope expounds the desirability and necessity of a crusade. Edward, king of England, who has already risked his life in the Holy Land, is prepared to leave his kingdom at the appointed term, 24 June 1293. The pope, by virtue of the authority of God and saints Peter and Paul, promises a full indulgence for their sins to those setting out at their own expense, and to those, who, while not attending personally, yet pay for a substitute. Those who go at another's expense, or make a partial contribution, grant, or any assistance, or bequeath their property to the cause, are taken under papal protection and no usury is to be exacted from them The diocesans are also to absolve them from sentences of excommunication for minor causes. Sealed by bp. at *Aukeland'* 3 Non. Nov. 1291.

(Original: Durham, 1a.14e. Pont. 1; CPL I, 553.)

27. *3 Nov. 1291. Bp. Auckland. Authorisation by bp. of pr. of Durham to act as deputy in executing the above papal letters.*

Antonius permissione divina Dunelmensis Episcopus dilecto in Christo filio Priori suo Dunelmensi salutem, graciam et benediccionem. De vestre circumspecte discrecionis industria ac note probitatis vestre meritis' plenam et sinceram in domino fiduciam optinentes, ad proponendum, predicandum, iniungendum et exequendum publice, auctoritate et vice nostra nobis ab apostolica sede in hac parte commissa, vivifice crucis ministerium omnibus parochianis et subditis nostris per totam nostram diocesim Dunelmensem constitutis, ac ad exhortandum et inducendum eosdem efficaciter ut predicte crucis signum devote suscipiant et publice deferant, et in proximo passagio generali ad terre sancte succursum se preparent transfretare: ad concedendum insuper venerabile signum sancte crucis cunctis devote petentibus quibus dominus inspirabit, ac ad convocandum populos propter hoc ad certa et ydonea loca quociens expedire videritis, et ad indulgencias audientibus predicaciones vestras iuxta formam litterarum apostolicarum concedendum, ac absolvendum in forma ecclesie et dispensandum in casibus in predictis litteris comprehensis cum recipientibus de manibus vestris crucem sanctam; ac eciam ad exponendum et notificandum populis indulta et privilegia crucesignatis ab apostolica sede concessa, prout in ipsis litteris apostolicis continentur; et ad prose-

quendum, faciendum et complendum finaliter omnia et singula que in tam pio negocio et ipsius expedicione necessario vel utiliter requiruntur secundum formam, continenciam et effectum mandati apostolici, cuius copiam vobis faciet decanus ecclesie de Cestre[1], quem ad presens negocium pariter exequendum per litteras nostras alias deputavimus, vobis tenore presencium committimus vices nostras. Dat' apud Aukeland' in crastino animarum, anno domini M°CC° Nonogesimo primo et consecracionis nostre Octavo.

(Original: Durham, 1a. 14e. Pont. 2.)

28. *5 Nov. 1291. Northallerton. Confirmation by bp. of foundation of chantry at Lazenby, Yorks., by John and Alice de Lithegreyns.*

In return for a grant to the bp. and church of Durham of lands worth 5 marks annually, the bp. on 5 Nov. 1291 ratifies the grant by John de Lythegraynes and Alice his wife of a chapel in their manor of Lazenby (*Laysingby*) for prayer for their ancestors, for Edward I and his heirs and for bp. Bek and his successors. With this they have given to Walter de Preston, chaplain, the manor of Lazenby with all appurtenances of villeins, rents, moors, stews and mills in free alms. Preston is appointed master and is to use these revenues to support six chaplains. The master's appointment rests with the donors during their lifetime, although should they fail to present within 40 days this right lapses to the bp. of Durham. The master shall select the chaplains and have power to remove and replace. On the first day of entry he shall swear to reside personally and to maintain the lands and valuables of the house and chapel; and the chaplains shall take the same oath on entry. All fit priests shall celebrate each day in the chapel for the souls of the donors and for the ancestors and successors of the said king and bp. and for all the faithful departed; and shall sing the canonical hours together with *Placebo* and *Dirige*, and they shall daily celebrate a Mass of the Virgin Mary in that chapel; and one of the day, and three Masses for the souls of the donors and of the faithful departed, and a Mass for the soul of bp. Bek and his successors, bps. of Durham, in the chapel of St. John the Baptist. After the death of

[1] Probably mr. Alan de Esingwald, the bp's. official. (Durham, Misc. Charter 4119.)

the donors the bps. of Durham are to present to the mastership on a vacancy, and the new masters will take the same oath of residence except in cases of urgent business touching the place and manor. The donors and their heirs guarantee the manor to the master and priests serving there, and renounce all rights therein. Witnesses: William de Colvyle, Richard de Romundby, Richard de Waxhand, John de Haunsald, Marmaduke Darell, knts.; John Danyll de Diston, William de Smython, William de Amundvyll, Alan Norreys, Nicholas de la Lound, Richard de Thorneton, Stephen Maunsell de Aluerton, Hugh de Otryngton, John *clerico*, Nicholas Astyn, William de Aslakby and others. Given at Lazenby, 16 April 1290.

The bp's. conf. was witnessed at *Aluerton* by Brian fitz Alan, Robert de Hilton, John de Bohun, Ralph fitz William, William le Vavasour, Guichard de Carrom, Robert de Nunwyk, Oliver de Buscy, knts.; mr. William de St. Botulph, steward of Durham, sir Thomas de Leuesham, mr. Adam de Drifeld, sir Richard de Claxton, vicar of Northallerton, John Morgan, John Longspeye and others.

(Public instrument of inspection by mr. Richard de Tanfield, official of archd. of Durham, before pr. Fossour at Durham, 10 July 1343: Durham, Reg. II, f. 323; Cart. III, f. 18v. (printed S.S. 119, pp. 173-8). Orig. charter of Lithegreyns conf. by Edward I, 4 Feb. 1292, on Charter Roll: CChR II, 413-14 (printed Prynne III 463-4).)

29. *6 Nov. 1291. Northallerton. Licence of bp. to pr. and c. of Durham to acquire in mortmain lands or rents worth 30 or 40 marks.*

Licence of bp. to pr. and c. of Durham to buy or receive within the bpric. lands or rents amounting to an annual value of 30 to 40 marks, so that they may freely possess them by view of the then steward or sheriff of Durham and appropriate them to their own uses. Those wishing to sell or grant the land or rents may confer them on the pr. and c.[1] in free alms. Given at *Aluerton,* 8 Id. Nov. 1291 and c.n. 8.

(Original: Durham, 3a.9e. Pont. 1. Copy: Cart. III, f. 293. Printed: S.S. 9, app., p. xcvii.)

[1] Omitted in error in S.S. 9, app., p. xcvii.

30. *14 Nov. 1291. Nassington, Northants. Grant by bp. to pr. and c. of Durham of free warren in Westoe and Wardley.*

Antonius permissione divina Dunelmensis Episcopus omnibus abbatibus, prioribus, baronibus et aliis fidelibus suis per episcopatum Dunelmensem constitutis salutem, graciam et benediccionem. Sciatis nos concessisse et presenti carta nostra confirmasse pro nobis et successoribus nostris dilectis in Christo filiis Ricardo priori et conventui nostro Dunelmensi et eorum successoribus quod ipsi et eorum successores habeant liberam Warennam in omnibus terris suis, boscis, moris, et pasturis pertinentibus ad maneria sua de Wyvestowe et Wardeleye; ita quod nullus intret terras illas, boscos, moras vel pasturas ad fugandum vel ad aliquid capiendum in eis quod ad Warennam pertinet sine licencia et voluntate dictorum prioris et conventus nostri Dunelmensis vel successorum suorum super forisfacturam nostram decem librarum. Quare volumus et firmiter precipimus pro nobis et successoribus nostris quod dicti Prior et Conventus noster Dunelmensis et eorum successores imperpetuum habeant liberam Warennam in omnibus terris, boscis, moris et pasturis predictis, ita quod nullus intret terras illas, boscos, moras vel pasturas ad fugandum vel ad aliquid capiendum in eis quod ad Warennam pertinet sine licencia et voluntate dictorum prioris et conventus nostri Dunelmensis vel successorum suorum super forisfacturam nostram decem librarum ut supradictum est. In crt. . . . Hiis testibus: dominis Ranulpho de Nevyle, Gilberto Haunsard, Johanne filio Marmeduci, militibus; et magistris Willelmo de sancto Botulpho tunc seneschallo nostro, Petro de Thoresby, Thoma de Leuesham, Adam (*sic*) de Driffeld et aliis. Dat' apud Nassington' die Mercurii proxima post festum sancti Martini in hyeme, anno gracie MCC° Nonogesimo primo et consecracionis nostre Octavo.

(Original: Durham, 4a.3e. Pont. 4. Copy: Cart. I, f. 93.)

31. *14 Nov. 1291. Nassington. Licence of bp. to pr. and c. of Durham to have free chace at Muggleswick.*

Licence of bp. to pr. Richard and c. of Durham to have within their parks of Muggleswick (*Muklingwyk*), enclosed by grant of the late bp. Robert de Stichyl', all kinds of game (*salvaginam*) and the right of free chace without deer-leaps, together with eyries of forest-birds. No other may enter these parks under penalty of £10. They

must make the enclosure sufficiently strong and high that wild beasts cannot cross into it from the bp's. forest.

Witnesses as no. 30 above, with addition of Richard de Waldgrave, knt.

(Original: Durham, 3a.2e. Pont. 16 (printed S.S. 58, p. 183n.) Copies: Cart. II, f. 94; Cart. III, f. 246v. Confirmations by Edward I: 9 Jan. 1300, orig. Durham, 2a.2e.Regalia 4; on Charter Roll, CChR II, 481; and 20 Mar. 1300, *ibid.*, p. 482.)

32. *Undated. General confirmation by bp. to pr. and c. of Durham of their lands in Horsley,* Dewshelm, *Muggleswick and Bearpark, with limited right of enclosure* (*cf. no. 31*).

Omnibus Christi fidelibus ad quos presens scriptum pervenerit Antonius dei gracia Dunelmensis Episcopus eternam in domino salutem. Noveritis nos ratas et gratas habere donaciones, concessiones et confirmaciones quas bone memorie predecessores nostri Nicholaus, Walterus et Robertus Dunelmenses episcopi fecerunt karissimis in Christo filiis priori et conventui Dunelmensibus super terris et boscis de Hosleyhope, Dewshelm', Muclingeswyk et Beaurepaire cum omnibus suis pertinenciis secundum divisas contentas in cartis dictorum predecessorum nostrorum quas iidem prior et conventus inde habent plenius confectas et per cartam illustris quondam regis Anglie Henrici filii regis Johannis similiter confirmatas,[1] cum omnibus libertatibus, liberis consuetudinibus, introitibus et exitibus et aisiamentis ubique infra et extra prenominatis, dictis terris et boscis pertinentibus sine ullo impedimento imperpetuum: secundum eciam divisas suas prius factas et usitatas, inclusas teneant, in eisdem feras imponant, habeant et pacifice gaudeant ac omnimodum proficuum suum pro eorumdem disposicione inde faciant libere, in pace et sine omni inquietacione imperpetuum: ita quod nullus alius dictas terras aut boscos quoquomodo causa venandi feras capiendi clausuras ipsas infringendi seu aliquid aliud nocumentum ibidem perpetrandi absque voluntate et expresso eorumdem consensu quandoque ingrediatur. Volumus insuper et concedimus pro nobis et successoribus nostris quod si prefati prior et conventus aut eorum successores terram de tenura Prioris de Fynchall que iacet inter boscum de Beaurepayre et viam regiam qua itur de Aldingrygge

[1] Durham, 1a.2e. Regalia 9.

versus Esse adquirant, eandem similiter includant et ut in ceteris terris suis et boscis supranominatis per omnia statuant et comodum suum inde faciant. In crt. etc. (*sic*).

(Registered: Durham, Reg. I ii, f. 28v.)

33. *7 Jan. 1292. London. Grant by bp. to Walter de Burton of lands by river Gaunless.*

Grant by bp. to his "varlet", Walter de Burton for service, of 40 a. waste land in Widehope moor (*Wytemore*), namely from the Gaunless (*Gaunles*) north as far as *Nouhouse*, east to Watling Street (*Wattelingstrete*) and west to the land of John Coygners of St. Helen Auckland (*Aukland sancte Helene*); to have by him, his heirs and assigns from the bp. and church of Durham at an annual rent of 1 mark at the usual quarters, at the rate of 4d. an acre. His heirs and assigns will pay an annual rent to the Durham exchequer of 2 marks at the same terms, namely at a rate of 8d. an acre, for all secular demands. Given at London on morrow of Epiphany, 1291/2. Witnesses: mr. William de St. Botulph, mr. Adam de Driffeld, Thomas de Leuesham, Richard de Hoverton, clerks, Gilbert de Heworth, knt., Walter de Bermeton, William Pollard, William de Lonesdal', Walter de Lutryngton and others.

(PRO., Reg. Kellawe, f. 231; printed RPD II, 1187-8.)

34. *pre-29 Feb. 1292. Grant by bp. to Nicholas and Nichola de Merley of land by Cleadon.*

Omnibus sancte matris ecclesie filiis presens scriptum visuris vel audituris A. dei gracia Dunelmensis episcopus salutem in domino sempiternam. Noveritis nos dedisse, concessisse et presenti carta nostra confirmasse dilecto et fideli nostro Nicholao de Merley et Nicholae sponse sue pro homagio et servicio suo quater viginti et quatuordecim acras terre arrabiles que quondam erant de vasto predecessorum nostrorum, iacentes in orientali parte more de Clyvedon' per suas metas et divisas sicut mete et divise se extendunt cum omnibus edificiis, clausuris et fossatis ibidem constructis, sicut Johannes de Holynsethe eandem terram tenuit. Tenendas et habendas dicto Nicholao et Nicholae sponse sue et eorum heredibus de nobis et successoribus nostris bene et in pace, libere et quiete, inperpetuum; reddendo inde annuatim nobis et successoribus nostris quadraginta

solidos argenti ad quatuor anni terminos in episcopatu constitutos pro omni servicio, consuetudine, exaccione et demanda: ita tamen quod tempore warecti, homines de visneto illo habeant communam suam in warecto eodem sine contradiccione dicti Nicholai et Nicholae sponse sue vel heredum suorum. Et ut hec donacio, concessio et carte huius confirmacio rata et stabilis permaneat inperpetuum, presenti scripto sigillum nostrum apponi fecimus. Hiis testibus: Roberto de Hilton, Johanne Marmeduc, Willelmo de Latun, militibus; Waltero de Wessington, Johanne de Oseworthe, Willelmo Warde et aliis.

(Contemp. copy of conf. by pr. and c. of Durham, 29 Feb. 1292; Durham, Misc. Charter 498. Copies: Reg. I ii, f. 31v.; Cart. IV, f. 78.)

35. *13 July 1292. Norham. Confirmation by bp. of augmentation of chantry at Norham by Richard, proctor of Norham (cf. no. 14.)*

Ratification by bp. at Norham on Sunday before feast of St. Margaret the virgin, 1292, of grant by Richard, called the proctor of Norham, to Robert, chaplain of the Virgin, celebrating at the altar of All Saints in the church of Norham, and to his successors, of 11 a. 1 rood arable land with appurts. in Norham district (*territorio*), whereof 2 a. lie on *Bouhill* and 2 a. on upper *Cuncterig'*, these 4 a. having been bought of Matilda "la Portur" of Norham; 2 a. lie in upper and lower *Cuncterig'*, bought of Adam de Duns; 2 a. 1 rood lie in *le Madercroft*, bought of William Byset and the heirs of Adam Hugoun; and 3 a. lie to the north of the church of the Blessed Mary, Norham, towards the Tweed; these 11 a. 1 rood being worth 1 mark annually. He also grants 2 tofts and crofts with 4 bovates arable and appurts. in vill and district of Grindon (*Grendon*), bought of John de Grendon and worth 20s. annually; an acre of meadow in district of Duddo (*Duddehowe*), worth annually 12d., and an oven in Norham worth annually ½ mark. These properties are to be held by Robert and his successors at the said altar of the lords of the respective fees. In return, they will supply a chaplain in the church of St. Cuthbert, Norham, to celebrate daily for the souls of bp. Bek and his successors, bps. of Durham, of the donor and his benefactors, and for all the faithful departed. This chaplain

will also celebrate the Mass of St. Cuthbert every Sunday and major feast-day. Should the above holdings not suffice for the chaplain's stipend, Robert and his successors are themselves to supply the deficit. Witnesses: Walter de Rouhtbyry, then constable of Norham castle, sir Robert Gray and William Rydel, knts., Walter de Thorneton, John de Horneclyve, Alexander de Chesewyk, Richard of the same, Eustace *de Dunelmo,* William Despenser, Adam Tillok, Simon Hugoun, Philip *clerico* and others.

(Conf. by pr. and c. of Durham, 13 Aug. 1292; Durham, Dean and Chapter Library, Raine MS. 120, no. 1. Copy: Reg. I ii, ff. 31v.-32v.)

36. *28 Aug. 1292. Pickering. Confirmation by bp. of grant of Houghall by Thomas de Herington to pr. and c. of Durham.*

A. dei gracia Dunolmensis Episcopus[1] abbatibus, prioribus, baronibus, militibus, iusticiariis, vicecomitibus et omnibus ballivis et fidelibus suis salutem. Inspeximus cartam quam Thomas de Herington fecit deo et sancto Cuthberto et Ricardo de Hoton, priori Dunolmensi et eiusdem loci conventui in hec verba:

Universis Christi fidelibus . . . Thomas de Herington salutem . . . Noverit universitas vestra me dedisse . . . deo et sancto Cuthberto, Ricardo de Hoton, Priori Dunelmensi et eiusdem loci conventui ac eorum successoribus pro salute anime mee et animarum patris mei Roberti, matris mee Matillde, Amicie et Osanne uxorum mearum et omnium antecessorum meorum manerium meum de Howhale cum pertinenciis suis. Habendum . . . predictis priori et conventui et eorum successoribus in liberam, puram et perpetuam elemosinam sicut aliqua elemosina liberius dari vel teneri potest. Et ego predictus Thomas et heredes mei predictum manerium cum pertinenciis suis predictis priori et conventui et eorum successoribus contra omnes homines et feminas warantizabimus, acquietabimus et defendemus imperpetuum. In crt. . . . Hiis testibus: magistro Willelmo de sancto Botulpho, tunc senescallo domini episcopi Dunelmensis; dominis Gwichardo de Charrum et Petro de Thoresby, tunc iusticiariis domini episcopi Dunelmensis; dominis Gilberto Haunsard, Roberto de Hylton, Johanne filio Marmeduci, Willelmo de Laton, Johanne de Eggesclef, Ricardo Harpyn, militibus;

[1] *Episcopis* inserted here in one version.

Willelmo de Kellawe, Alexandro de Bydick, Rogero de Hesse, Roberto de Hoton, Johanne Shirelok, Johanne Bille, Willelmo de Suthewyk et multis aliis.

Nos autem donacionem . . . ratas habentes . . . pro nobis et successoribus nostris quantum in nobis est predictis priori et conventui . . . concedimus . . . sicut carta predicta racionabiliter testatur. Hiis testibus: venerabili patre domino R[oberto] Bathoniensi et Wellensi episcopo, domino Willelmo de Hamelton, archidiacono Eboracensi; dominis Petro de Malo Lacu, Ricardo de Walgrave, militibus; Ricardo de Overton, clerico, Waltero de Burton et Roberto de Barthelby, clerico, et aliis. Dat' apud Pykering XXVIII die Augusti anno regni regis Edwardi vicesimo et consecracionis nostre Nono.

(Original confirmations of bp. in quadruplicate: Durham, 3a.2e. Pont. 15. Entered: Cart. II, ff. 237v.-8; Cart. III, ff. 219v.-20. Conf. by Edward I, 12 July 1293: Durham, 2a.2e. Regalia 7; on Charter Roll: CChR II, 430. Orig. charter of Herington: Durham, 2a.14e. Spec. 19.)

37. 14 Jan. 1293. Bp. Auckland. Ordinances of bp. reconstituting the collegiate church of St. Andrew Auckland.

It is the duty of a pastor to provide not only for the temporal ease of his church but also for the increase of divine worship whereby the faithful are roused to greater fervour. The collegiate church of St. Andrew Auckland, within the diocese and dependent on the bp., has abundance of prebends and means, yet hitherto none of its canons or prebendaries has resided in that church or even substituted a deputy, alleging that there are no houses or suitable spaces (*areas*) where dwellings could be built. After careful consideration and with the consent of mr. Robert de Alburwyk, the perpetual vicar, and of all the canons and prebendaries there, the bp. ordains that a prebend worth £10 be formed from the tithes of new assarts both beyond the river Gaunless within the bp's. forest, and this side the Gaunless in Widehope moor (*Wydopmore*),[1] these tithes pertaining to the bp. by law and custom. Also, since a title adds to importance, the style of vicar hitherto used in the church is to be changed to dean. Mr. Robert, lately vicar, is now to be dean, as

[1] Cf. no. 33 *supra*.

will be his successors, and to increase their honour the new prebend from the tithes of assarts is annexed to the deanery. The dean and his successors will enjoy all the offerings, lands, rents, rights and liberties formerly held by the vicars. They will reside continuously as the care of office requires, and will provide the chapel of the bp's. manor of Auckland with a priest to celebrate Mass daily for the bp., his predecessors and successors. They will also provide priests and other fit clerks as before to serve the greater church and its chapelries, from which they derive profit. To end the excuse of the canons of the church who neither resided nor troubled to appoint vicars or other clerks to serve for them, although their prebends had sufficient means, the bp. assigns a space (*area*) to the south of the church among the canons for building new dwellings, and orders them to build "honourable" houses on the appointed lots within two years. Any canon not personally resident must have a suitable vicar who will be present daily in canonical dress for psalms, hours, processions and Masses, and will officiate decently at these. Furthermore, as the ox should not be muzzled which treads the corn,[1] and those who serve the altar should be partakers with the altar,[2] the bp. ordains that the first five canons, namely mr. Robert Avenell, Walter de Langton, Geoffrey de Vezano, John de London, mr. Adam de Brempton and their successors in their prebends, shall each have as vicar a priest receiving 5 marks a year from their receipts. Four other canons, namely mr. John de Lacy, Richard de Insula, John de Witham and Alan de Kyrkham, shall each have as vicars a deacon receiving 40s. a year as stipend. The remainder shall have as vicars subdeacons or other suitable clerks each receiving an annual stipend of 30s.[3] The vicars are to be paid at the four terms usual in the diocese. They are to be presented by the canons or prebendaries to the dean who is to accept them provided they are suitable. Shall any vicar die or be removed for any cause, the canon or prebendary of whom he was vicar shall

[1] Deut. 25.4; I Cor. 9.9; I Tim. 5.18.

[2] I Cor. 9.13; 10.18.

[3] From the revision by bp. Langley it can be deduced that the Auckland prebends were as follows: 5 priestly prebends, viz. Bp. Auckland, Eldon major and Eldon minor, Shildon and Byres; 4 diaconal prebends, viz. Fitches (*Fichefache*), West Auckland, St. Helen Auckland and Escomb; and 4 subdiaconal prebends, viz. Morley (*Morelegh*), Witton[-le-Wear], Woodifield (*Wodifeld*) and Bedburn.

present another within a month, in default of which the dean will appoint one for the remainder of the year. The bp. ordains that all canonical hours be sung in the choir throughout the year, and dean, vicars and other ministers shall observe the psalmody according to the use of York or Sarum. High Mass for the day is to be sung daily at the third hour (9 a.m.) by the assembled vicars and other ministers. The Mass of the Blessed Virgin is to be celebrated solemnly at a suitable hour by the above mr. Adam de Brempton or his vicar, and by his successors after him.[1] Those priests appointed by the dean to undertake the cure of the parish and other servants (*ministri*) of the church shall conform in dress to the canons' vicars. Each of the canons' vicars must act as hebdomadary in accordance with his rank and the instruction of the dean who, just as in the care of the parish, so in the order of worship, corrects, controls the choir and punishes wrongdoers. The bp. wills that matins be said at early morning for the parishioners. So that no dispute arise concerning the order of seating or proceeding, the bp. reserves for himself and his successors the first stall on the south. The dean shall have the first place on the north. Canons with priestly vicars shall have the next places on either side according to their rank; followed by canons with diaconal vicars; and lastly those whose vicars are subdeacons or other clerks; and the canons will keep the same order in procession. This ordinance is made with the consent of the chapter of Durham, of the said mr. Robert and the other fellow-canons, and is to be observed in perpetuity, saving the authority of the church and bps. of Durham. Sealed at *Aukland* on morrow of octave of Epiphany, 1292/3 and c.n. 10.

(Inspection of Reg. Bek by bp. Langley, 20 Sept. 1428: Durham, Reg. Langley, ff. 148-9. Confirmed by Henry VI, 28 Nov. 1431 on Patent Roll: CPR 1429-36, p. 182; printed in full *Monasticon* VI, 1335. Copies: Durham, Cart. IV, ff. 197v.-9; Reg. II, f. 353v. (incomplete); PRO., Durham 3/206/6.)

38. *May/Oct. 1293. Proceedings "quo warranto" relating to the liberty of the bpric. of Durham.*

The king instructs Hugh de Cressingham by writ of 6 June 1293 that since A. bp. of Durham has replevied till quindene of Michael-

[1] *Vide* no. 7 *supra*.

mas his liberties and those of his men taken into the king's hand by the royal justices itinerant in North'land, Hugh is to send the record of the process to the king for his further information. Cressingham sends the record of himself and fellow-justices as follows:

The sheriff [of North'land] testifies [to the justices] according to the form of the statute of Gloucester that there are several magnates in that county using franchises which they have not claimed, and the justices desire further information by inquisition of 12 jurors from the county beyond Coquet (*Coket*) and 12 jurors from this side Coquet. These present that the bp. of Durham was accustomed to meet by his bailiffs the royal justices itinerant on their entry of the county at *Chylewell* or Fourstones (*Fourstanes*) or *Quakendebrigge*, according to their approach, and later came before them at Newcastle on the first day of eyre. At both these meetings the bailiffs sought the justices' articles of pleas of the Crown, and had done from time immemorial till the time of bp. Insula, who had refrained from the last eyre. The bp. had his own chancellor and pleas were entertained by his writ before his own justices in his liberties of Durham, Sadberg, and Bedlington within the county (of North'land) this side Coquet, and in his liberty of Norham within the county beyond Coquet. He had his own mint at Durham. He had his own coroners, namely one in Sadberg, three in the three wards of the liberty of Durham, one at Bedlington and one at Norham. After an eyre was ended at Newcastle the bp. heard by his justices at Durham all pleas of the Crown within the liberty and all other pleas according to English law and the articles of eyre delivered to him; and similarly within the other liberties. He had gallows at Durham and Norham, with *infangenetheof* and *utfangenetheof*; market and fair at Durham, Darlington and Norham. At Norham he held pleas of the Crown at fortnightly or three week intervals at will and might employ the process of outlawry if men did not appear; and if outlaws returned he could pardon them at pleasure. He had created warren at Tweedsmouth (*Twedemuth*) where it had previously been unrestricted, and might grant warren at will throughout his liberties. His bailiffs at the head of Berwick bridge examined all men coming with wool, hides or pells for sale and seized such as were without the "cocket" seal as forfeit to the bp.

Also there were various magnates and others within the bp's.

liberties using divers franchises. The pr. of Durham enjoyed *infangenetheof* for all his lands within the liberties and had half the chattels of all felons condemned within his court. He had assizes of bread and ale in Elvet (*Elmete*) and half of wreck on his land. John, king of Scotland, held at Barnard Castle within the liberties market and fair, pillory and tumbrel, gallows and *infangenetheof,* and chattels of felons condemned in his courts. He also had free chace and free warren in all his lands within the liberties of the bp. Agnes de Valence had gallows and *infangenetheof* at Gainford (*Geneford*) in the liberty, with chattels of felons condemned in her court. She had warren in her lands. Robert de Brus had at Hartlepool (*Hertelpol*) within the bp's. liberty market and fair, assizes of bread and ale, and liberties pertaining to a market, fair and sea-port. He took keelage, namely 8d. from every ship with a boat plying there, and 4d. from every ship without boat; and had prises of fish. Free chace and free warren were enjoyed within the bp's. liberty by Ranulph de Neville at Brancepeth (*Brauncepath*). Robert de Hilton, Guichard de Charrun, John Marmeduc, Henry de Insula, Walter de Wessington and John de Gildeford each had warren in all their lands within the bp's. liberty. John de Greystok had at Coniscliffe (*Cunisclyve*) gallows, *infangenetheof* and chattels of felons condemned in his court there, with warren in all his lands within the bp's. liberty.

The jurors also presented that the bp. of Durham had the right if any of his men were taken within North'land at the suit of another within the bp's. liberty, his bailiff might replevy him to have him at the bounds between the body of the county and the liberty of Norham at Holburn (*Holdenburne*), where the latter would be tried (*stabit legi*). Similarly any from North'land would be replevied by the sheriff of North'land and be tried similarly at the same place.

The whole county testified that all bps. of Durham from time immemorial had met the itinerant justices with their bailiffs on their entry into the county at the above three places and sought their articles of the Crown etc. Bp. Insula had not sought these from J[ohn] de Vallibus and his fellows in the last eyre but Nicholas de Farlham (*sic*), late bp., had sent bailiffs or his steward to meet the ab. of Peterborough during the reign of Henry III. Walter de Kirkham, late bp., had met Roger de Turkelby during that reign,

as had Robert de Stichehill met Gilbert de Preston. The rolls of the last eyre witnessed that the king of Scotland, the archbp. of York, the bp. of Durham and Gilbert de Umfraunvill should meet the justices by their bailiffs to seek the articles of the Crown. The sheriff testified that he had publicly notified all in the manner prescribed in the writ of common summons of eyre and the Statute of Gloucester of the need of users to claim their franchises, and that the bp. had not claimed them on the first day of eyre or subsequently, nor had the pr. of Durham and other tenants of the bp. Since these franchises were within the body of the county, the justices ordered the sheriff to seize them into the king's hand as distress till the users replevied them and answered for them to the king; and on the morrow of Trinity (25 May 1293) the sheriff testified his performance of this.

Thereupon the bp. begged king and council for the record to be examined for errors to be amended. He claimed that Hugh and his fellow-justices had exceeded their powers in proceeding to seize the liberties of the bp. and his men into the king's hand, even in view of the Statute of Gloucester. It was clearly stated in the Statute of Gloucester and in the writ of common summons of eyre that all with any franchises within the county in which the royal justices were itinerant should claim these before them on the first day of eyre. In addition, the sheriff was to proclaim the eyre throughout his bailiwick. From time immemorial it had been widely known that the sheriff of North'land was not sheriff of Durham nor entered within that liberty as sheriff nor entered to perform anything pertaining to the office of sheriff even in Norham, Bedlington and Sadberg, parts of the liberty, nor made there proclamations or attachments. Neither the king nor his officers (*ministri*) had power to enter these liberties except in time of vacancy of the bpric. Nor had the justices authority to overstep the bounds of the county in which they were itinerant, nor might they authorise the sheriff of a county in which they were itinerant to exercise his office in another county. The proclamation of the eyre in co. North'land by that sheriff was not valid beyond his bailiwick; and he had no right to proclaim it within the liberty of Durham or its members. By virtue of the sheriff's proclamation in his bailiwick the said justices had seized the liberties of the bp., his church and men, into the king's hand although they

were not in the competence of the sheriff: a manifest injury to the bp. and his church of Durham. Moreover the bps. of Durham from time immemorial had all regalian rights and liberties within their franchises of Durham and its members; with a chancery, a chancellor issuing writs from this throughout these liberties, their own justices, sheriffs, coroners and other officers of the crown and peace, who were appointed at the bp's. will since the time of the Conquest and before without interruption till the present. The bp. sought that the king and council, in view of this, would amend the error of the said justices. Having heard the record and the arguments of the bp., the king and council allowed that the seizure of the liberties of the bp., his church and men, was in error. Despite the testimony of the sheriff that he had made proclamation throughout his bailiwick, this could not extend within the liberty of the bp. of Durham who had his own sheriff. The king and council annulled judgment and restored all the liberties of the bp., his church and men, taken into the king's hand by the justices itinerant, to hold as before the seizure, saving the rights of the king and his heirs. The sheriff of North'land was ordered to restore the liberties to the bp. accordingly.

(Early 15th. century transcript: Durham, Reg. I ii, ff. 62-4, quoting from "quodam libro de peticionibus factis etc. in parliamentis regis Edwardi filii regis Henrici anno regni sui XXI^{mo} Capitulo XXV^{to}, ad scaccarium regis residente": i.e. the Vetus Codex, printed by Ryley, *Placita Parlamentaria* (1661), pp. 168-72; Durham, Reg. II, ff. 124v.-7. Cressingham's record: PRO., Assize Roll 650 m. 48, printed in *Plac. de Quo Warranto*, pp. 604-5.)

39. *4 Nov. 1293. London. Writ of distraint directed by bp. to his sheriff of Durham.*

Antonius permissione divina Dunelmensis episcopus vicecomiti Dunelmensi salutem. Cum domini Brianus filius Alani, Johannes Marmeduk et Petrus de Thoresby nobis in Octingentis libris sterlingorum teneantur solvendis ad certos terminos iam transactos de quibus ipsi satisfacere hactenus non curarunt, vobis mandamus quod de bonis et catallis predictorum Briani, Johannis et Petri infra ballivam vestram predictas Octingentas libras levare faciatis indilate. Et habeatis eas ad scaccarium nostrum Dunelmi in crastino sancti

Hillarii et hoc breve. Dat' London' IIII die Novembris, consecracionis nostre anno decimo.

(Enrolment: PRO., Assize Roll 226, m. 8.)

40. *10 Dec. 1293. Isleworth, Middlesex. Grant by bp. of land near Tursdale to Richard de Cokeshow.*

Omnibus sancte matris ecclesie filiis ad quos presens scriptum pervenerit A. permissione divina Dunelmensis episcopus salutem in domino. Noverit universitas vestra nos dedisse, concessisse et presenti carta nostra confirmasse Ricardo de Cokeshow, clerico, pro homagio et servicio suo sexaginta acras terre vasti nostri prout includuntur fossatis, iacentes ex parte orientali iuxta campum de Trillesden et abuctant versus aquilonem super le Wydehopeburne et versus austrum super le Fenneburne cum omnibus suis pertinenciis: habendas et tenendas dicto Ricardo, heredibus suis et suis assignatis de nobis et successoribus nostris et ecclesia nostra Dunelmensi libere, quiete, integre, bene et in pace inperpetuum. Reddendo inde annuatim nobis et successoribus nostris ad scaccarium nostrum Dunelmi quadraginta solidos sterlingorum ad quatuor anni terminos in episcopatu nostro constitutos pro omnibus serviciis, consuetudinibus, sectis curiarum et molendinorum seu quibuscumque aliis secularibus demandis. Heredes vero dicti Ricardi dabunt viginti solidos sterlingorum pro relevio suo quocienscumque contigerit eos dictam terram releviare. In crt. . . . Hiis testibus: magistro Willelmo de sancto Botulpho tunc senescallo nostro Dunelmensi, Thoma de Leuesham, Petro de Thoresby, clericis; dominis Gwischardo de Charron, Roberto de Hilton, Johanne Marmeduk, Gilberto de Heworth, militibus; Willelmo Pollard, Waltero de Bermeton, Waltero de Roburi, Thoma Chaunceler, Johanne de Bradwode, Willelmo Hamond et multis aliis. Dat' apud Istelworth IIII^{to} Idus Decembris Anno consecracionis nostre Decimo.

(Original: Durham, Misc. Charter 6414. Contemporary copy of conf. by pr. and c. of Durham, 18 Jan. 1294: Misc. Charter 6415; registered Reg. I ii, f. 42.)

41. *c. 1294. Grant by bp. of waste lands by Auckland and Stanhope to Walter de Bermeton.*

Omnibus sancte matris ecclesie filiis hoc presens scriptum visuris

vel audituris A. permissione divina Dunelmensis episcopus salutem in domino sempiternam. Noverit universitas vestra nos dedisse, concessisse et presenti carta nostra confirmasse dilecto et fideli nostro Waltero de Bermeton pro homagio et servicio suo unum toftum, sexies viginti et septem acras terre de vasto nostro in campo de Wotton', Escoumbe, et Stanehoppe, quarum quadraginta quatuor acre iacent ex australi parte domus dicti Walteri; et quinque acre in Mouleswode ex utraque parte eiusdem terre quam dictus Walterus habuit de dono Walteri de Mouleswode; et quinque acre apud le Wytewomore; et tresdecim acre de Blakeborne; et viginti et sex acre in campo de *the Heavays* iuxta terram Ricardi de Chesewyk; et sex acre in Pogesfeld ex orientali parte de Hertekelde; et viginti et septem acre in Bothelinghoppe apud Oxensorcheker; et una acra et unum toftum super hogam in Stanehoppe ex occidentali parte castri de Stanehoppe. Habenda et tenenda eidem Waltero et heredibus suis in suo seperali omni tempore anni de nobis et successoribus nostris et ecclesia nostra Dunelmensi, libere, quiete, integre, bene et in pace cum omnibus libertatibus et aysiamentis, locis, vastis et planis predicte terre pertinentibus. Reddendo inde annuatim nobis et successoribus nostris ad scaccarium nostrum Dunelmi sexaginta duos solidos et tres denarios sterlingorum ad quatuor anni terminos in episcopatu nostro constitutos: et faciendo forinsecum servicium quantum pertinet ad quadragesimam partem feodi unius militis, pro omnibus aliis serviciis, tallagiis, consuetudinibus, sectis curiarum et molendinorum, exaccionibus et demandis secularibus. Concedimus etiam eidem Waltero quod habeat in tota vita sua de foresta nostra Husebote et Hayebote et ad edificia sua construenda per visum Forestariorum nostrorum: et quod quietus sit de pannagio propriorum porcorum suorum quos non adquisierit contra pannagium nostrum. Heredes vero dicti Walteri dabunt decem solidos argenti pro relevio suo quocienscumque ipsos contigerit predictam terram releviare. In crt. . . . Hiis testibus: magistro Willelmo de sancto Botulpho tunc senescallo nostro Dunelmensi; dominis Roberto de Hylton, Johanne Marmeduck, Gwyschardo de Charron, Willelmo de Laton, Gilberto de Heworth, Henrico Springge, militibus; Johanne de Malton, Willelmo Pollard, Thoma le Chaunceler, Johanne de Bradewode, Rogero de Fulethorpe, Rogero de Claxton, Galfrido de Henneknoll', Willelmo de Aukland, Henrico Bernard,

Thoma de Lasceles, Hugone de Bycheborne, Willelmo de Bincestre, Thoma de Eggleston et multis aliis.

(Eighteenth-century transcripts: Durham, Dean and Chapter Library, Randall MSS. 3, p. 194; 7, p. 281.)

42. *2 Feb. 1294. York. Presentation to bp. by ab. of St. Mary's, York, of John son of Henry to Middleton in Teesdale.*

Venerabili in Christo patri domino A. dei gracia Dunelmensi Episcopo suus devotus S[imon de Warwyk] permissione eiusdem Abbas Sancte Marie Eboracensis salutem et reverenciam omnimodam tam debitam quam devotam. Ad ecclesiam de Midelton in Tesdale vacantem et ad nostram presentacionem spectantem dilectum nobis in Christo dominum Johannem filium Henrici, reverendi viri domini J[ohannis] de Balliolo, regis Scocie illustris, clericum, diaconum presentamus, vestre paternitati supplicantes humiliter quatinus ipsum ad ecclesiam antedictam admittere velitis intuitu caritatis ac instituere in eadem. Vos conservet Altissimus ad regimen ecclesie sue per tempora longa. Dat' apud Eboracum IIII Nonas Februarii anno domini M°CC° nonagesimo tercio.

(Eighteenth-century transcript of inspection by archbp. Melton of York, dated 28 Feb. 1333, in Reg. St. Mary's, York, f. 319: Durham, Dean and Chapter Library, Randall MS. 4, p. 180.)

43. *14 June 1294. London. Presentation by bp. of John de Langton to Castle Sowerby, dioc. Carlisle.*

Pres. by bp. to J[ohn], bp. of Carlisle, of John de Langton, chancellor of England, for institution to rectory of Castle Sowerby (*Soureby*), whose advowson the bp. of Durham holds by grant of J. king of Scotland, the former patron.

(Memorandum of receipt, 22 June 1294: *Reg. Halton,* i, 14.)

44. *20 June 1294. New Temple, London. Grant to bp. by John, king of Scotland, of lands in Cumberland.*

Grant by king John [de Balliol] in 2nd. year of his reign to bp. for life of the manors of Penrith, Scotby (*Scotteby*), Carlatton (*Karlaton*), Langwathby, Salkeld and Castle Sowerby (*Soureby*) with advowsons, knts'. fees, etc. appurtenant. Witnesses: mr. Thomas de Hunsinghore, king's chancellor, Geoffrey de Moubray, Patrick de

Graham, John de Soules, Roger de Burton, Roger de Tylmanneston, John de Rokesley, William de Dacre and Richard de Waldgrave, knts.; William de Burnton, John de Insula and others.

(Conf. by Edward I, 25 June 1294, on Patent Roll: CPR 1292-1301, p. 102.)

45. *20 June 1294. New Temple, London. Grant to bp. by John, king of Scotland, of lands in Tynedale.*

Grant by king John [de Balliol] to God, St. Cuthbert and A. bp. of Durham, of 50 librates with appurts. within the liberty of Wark on Tyne to be selected at will from demesne or other profitable source, saving the vill of Wark and its chief messuage; together with the advowson of Simonburn with its chapelries. The bp. and his successors are to hold these in free alms of the king and his heirs, who will warrant them. Given under the king's privy seal in absence of the great seal. Witnesses and date as above (no. 44).

(Conf. by Edward I, 25 June 1294, on Charter Roll: CChR II, 456. Contemp. copy (incomplete): PRO., Chancery Misc. 22/12/48.)

46. *22 June 1294. London. Acknowledgment by bp. of receipt of £1000 from bp. of Lincoln.*

Acknowledgment by bp. of receipt of £1000 from Oliver [Sutton], bp. of Lincoln, for use of himself and church of Durham, and promise of repayment to bp. or his executors within two months of date of demand, together, in case of default, with such damages, expenses and interest claimed by the bp., his executors, or the proxies of either. In return bp. Bek obliges himself, his heirs (*heredes*) and the moveables and immoveables of his church, and promises to gain the speedy assent of the pr. and c. of Durham and their letters patent acknowledging the debt.

(Incomplete contemp. copy of ratification by pr. and c. of Durham, undated: Durham, Loc. 7, no. 22a.)

47. *c. June 1294.*[1] *Joint acknowledgment by bp., and pr. and c. of Durham of receipt of £1000 from mr. Geoffrey de Vezzano, papal clerk, to hold in deposit.*

Pateat universis presentes litteras inspecturis quod nos Antonius

[1] This document obviously relates to no. 46 and is subsequent to it.

permissione divina episcopus et . . prior et capitulum Dunelm' recognoscimus et confitemur nos recepisse et habere in deposito in sacristia seu thesauraria ecclesie nostre a magistro Giffredo de Vezano, canonico Cameracensi, Camere domini pape clerico, apostolice sedis nuncio et in locum venerabilis patris domini Oliveri Lincolniensis episcopi super negocio decime concesse pro subsidio terre sancte serenissimo principi domino E[dwardo] regi Anglie subrogato, mille libras bonorum et legalium sterlingorum, quas nos episcopus habueramus de pecunia dicte decime ab eodem Lincolniensi et domino Johanne Wyntoniensi episcopis et pro quibus idem Lincolniensis episcopus se obligaverat et obligacionem eius prefatus Wyntoniensis episcopus custodiendam habuit: cui deposito nos voluntarie obtulimus et suscipientes in nos omnes casus furti, rapine, incendii et vis maioris et omnes alios casus et omnia pericula qui et que quomodolibet evenire possent promittimus unanimiter et concorditer simul et insolidum eidem Giffredo et dicto domino Wyntoniensi episcopo vel eorum alteri vel alii seu aliis habenti seu habentibus potestatem super ipsa decima reddere et restituere dictum depositum sive dictas mille libras apud Novum Templum, London', nostris periculis et expensis, infra duos menses postquam ab ipso Giffredo et dicto domino Wyntoniensi Episcopo vel eorum altero vel ab alio seu aliis habenti seu habentibus potestatem super ipsa decima fuerimus nos vel aliqui nostrum requisiti; de qua requisicione credatur simplici verbo requirentis seu requirencium sine alicuius probacionis onere faciende; obligando nos simul et insolidum pro premissis fideliter et efficaciter observandis et omnia bona nostra et successores et executores et ecclesiam nostram; et renunciando excepcioni non habiti et non recepti dicti depositi, seu non receptarum et habitarum et non numeratarum dictarum mille librarum, regie prohibicioni, omnibus constitucionibus, consuetudinibus et statutis, novarum constitucionum beneficio, et omni iuris canonici et civilis auxilio, quibus contra predicta venire possemus, et iuri dicenti generalem renunciacionem non valere. In cuius rei testimonium has litteras fieri fecimus et nostris muniri sigillis. (*sic*)

(Incomplete contemp. copy: Durham, Loc. 19, no. 44.[1])

48. *1 Nov. 1294. London. Request to pope from bps. of*

[1] Cf. *Reg. Pontissara* II, 788.

Durham, Ely, and Bath and Wells for canonisation of Thomas de Cantilupe.

Request to pope Celestine V from Antony Bek, bp. of Durham, William de Louth, bp. of Ely, and William de Marchia, bp. of Bath and Wells, that in view of the merits of the life of Thomas de Cantilupe, late bp. of Hereford, and the miracles since performed at his tomb, his name be formally inserted in the list of saints.

(*Reg. Swinfield,* pp. 281-2.)

49. *10 April 1295. Chester. Mandate of bp. as papal executor to bp. of Winchester to induct to rectory of Middleton (now Longparish), Hants.*

Mandate from bp. as co-executor with [William de Louth,] bp. of Ely and Richard de Monte Nigro, provost of Rheims, of letters of pope Celestine V, delivered him on 10 April 1295 by Nicodemus de Faisolano, proctor of Bartholomew son of Francis de St. Angelo. These letters, dated from Aquila, 2 Sept. 1294, notify the provision by Celestine V of the same Bartholomew to the parish church of St. Nicholas, Middleton, in dioc. Winchester, vacant by reason of death at the Curia of mr. Berard de Neapoli, papal notary, lately its rector, wherefore provision pertains to the pope. The executors, jointly or singly, are to induct Bartholomew or his proctor to corporal possession, notwithstanding that Bartholomew is also canon of Bayonne and Teano, and archd. and prebendary of Bayonne. Bp. Bek instructs John [de Pontissara,] bp. of Winchester, to induct Bartholomew's proctor to church of Middleton within six days of request by proctor, under pain of suspension from entry of church and execution of episcopal office. Should the church have been occupied by admission of some presentee or otherwise, the wrongful detainer is to be removed within eight days. All parishioners are to pay their dues to Bartholomew alone, under pain of excommunication with reservation of absolution to the papal executors, whose rights to proceed are safeguarded. The present letters are to remain with Bartholomew's proctor, but the bp. of Winchester is to certify his execution of mandate.

(Enregistered certificate of execution by bp. of Winchester, 27 April 1295: *Reg. Pontissara* II, 818-20.)

50. *3 July 1295. Stirling. Grant to bp. by king of Scotland of manor of Wark on Tyne.*

Grant to bp. and his successors by John de Balliol, king of Scotland, in the 3rd. year of his reign, of manor of Wark on Tyne (*Werk in Tindale*) to hold in free alms, with all lands, services, advowsons and other appurts. in Tynedale held by the kings of Scotland. Witnesses: Robert, bp. of Glasgow, Donald of Mar, John Comyn of Boghan, Patrick of Dunbar, Malise of Strathern, earls; John Comyn of Badenagh, Geoffrey de Moubray, Patrick de Graham, knts., and others.

(Conf. of Edward I, 8 Feb. 1297, on Patent Roll: CPR 1292-1301, pp. 233-4.)

51. *27 Aug. 1295. Fulham. Assignment by bp. of manorial revenues of Howden and Northallerton, Yorks., to Edmund, earl of Cornwall, to satisfy a debt of 4500 marks.*

Universis Christi fidelibus ad quos presentes littere pervenerint Antonius permissione divina Dunelmensis episcopus salutem sempiternam in Christo. Noveritis quod cum nos karissimo nostro domino Edmundo comiti Cornubie in quatuor mille et quingentis marcis sterlingorum ex causa mutui teneamur ac pro tanta gratitudine plenam ei et celerem solucionem predicte pecunie facere cupiamus, volumus, concedimus et assignamus de consensu capituli nostri Dunelmensis pro nobis et successoribus nostris predicto domino Comiti maneria nostra de Houeden' et de Aluerton' cum suis pertinenciis ad recipiendum de exitibus eorumdem maneriorum per manus alicuius vel aliquorum quem vel quos idem Comes ad hoc assignare voluerit singulis annis infra quatuor annos proximo sequentes mille marcas et quinto anno quingentas marcas sterlingorum de nobis et successoribus nostris donec predicto Comiti de predicta pecunie summa plenarie fuerit satisfactum. Salvis tamen nobis et successoribus nostris proficuis in eisdem maneriis ultra predictas quatuor mille et quingentas marcas remanentibus. In crt. dictus Comes et nos huic scripto dentato sigilla nostra alternatim apposuimus. Dat' apud Foleham VI kal' Septembris anno domini Millesimo CC° Nonagesimo quinto et consecracionis nostre XII°.

(Conf. by pr. and c. of Durham, 16 Sept. 1295: Durham, Reg. I ii,

f. 28r.-v.; by Edward I, 28 Aug. 1295, on Patent Roll: CPR 1292-1301, p. 145; cf. *ibid.*, p. 188.)

52. *7 Oct. 1295. Canterbury. Appointment by Edward I of bp. as fifth and principal arbiter in dispute between the archbp. of Canterbury and the earl of Gloucester.*

In accordance with an agreement made by R[obert de Winchelsey], archbp. of Canterbury, and Gilbert de Clare, earl of Gloucester, Edward I appoints Bek to act with mr. Simon de Gandavo, archd. of Oxford and William de Sardene, official of Canterbury, (for the archbp.) and with Ralph Bluet and Luke de la Gare, knts., (for the earl), to determine finally a dispute which the four arbiters have hitherto been unable to settle.

(Patent Roll: CPR 1292-1301, p. 152.)

53. *29 Dec. 1295. Bp. Auckland. Grant by bp. to John and Alice de Lithegreyns of rents worth £40 p.a. from manor of Northallerton.*

Omnibus hoc scriptum visuris vel audituris Antonius dei gracia Dunolmensis Episcopus salutem in domino sempiternam. Cum Johannes de Lythegrayns et Alicia uxor eius nuper ad instanciam nostram concesserint et reddiderint Johanni Haunserd manerium suum de Wyrkersale quod prius habuerunt de dono predicti Johannis Haunserd, ac idem Johannes pro concessione et reddicione predicti manerii de Wyrkesale maneria de Evenwod et de Fuley cum suis pertinenciis nobis concesserit et reddiderit, tenenda nobis et successoribus nostris et ecclesie nostre Dunolmensi imperpetuum: nos indempnitati dictorum Johannis de Lithegrayns et Alicie uxoris eius prospicere volentes ut tenemur, concessimus, dedimus et hac presenti carta nostra cirograffata confirmavimus eisdem Johanni et Alicie uxori eius quadraginta libratas annui redditus percipiendas de manerio nostro de Aluerton de nobis et successoribus nostris ad duos anni terminos, medietatem scilicet ad Pascha et aliam medietatem ad festum sancti Michaelis, in tota vita ipsorum Johannis et Alicie uxoris eius et alterius eorum diucius viventis vel quousque nos vel successores nostri dederimus eisdem Johanni et Alicie uxori eius quadraginta libratas terre in loco competenti; tenendas de nobis et successoribus nostris et ecclesia nostra Dunolmensi in tota vita

ipsorum Johannis et Alicie et alterius eorum diucius viventis ut predictum est: reddendo inde annuatim nobis et successoribus nostris unum denarium tantum ad festum Pentecostes pro omni alio servicio et demanda. Et nos et successores nostri predictas quadraginta libratas redditus vel dictas quadraginta libratas terre eisdem Johanni et Alicie uxori eius vel alteri eorum diucius viventi contra omnes warantizabimus in forma supradicta. In crt. parti istius scripti cirograffati penes dictos Johannem et Aliciam remanenti sigillum nostrum apponi fecimus, et alteri parti sigilla predictorum Johannis et Alicie sunt appensa. Hiis testibus: dominis Johanne de Coyners, Ricardo de Wauxand, Ricardo de Romundeby, Roberto de Nonewyk, militibus; Roberto de Coyners, Johanne de Eyvil, Johanne filio Johannis de Siggleston, Willelmo de Mundevyle, Ricardo de Horneby, Adam de Lecke et multis aliis. Dat' apud Aucland vicesimo nono die Decembris anno pontificatus nostri duodecimo.

(Contemp. copy of conf. by pr. and c. of Durham, 15 July 1297: Durham, Misc. Charter 7125*b*., endorsed "Testimonium Ricardi Prioris Dunolmensis de inspeccione carte Antonii Episcopi super cartam Johannis de Lythegrayns de fundaccione cuiusdam hospitalis de Leysynby"; cf. no. 28, *supra*. Copy of conf.: Durham, Reg. I ii, f. 38v.; cf. RPD III, 68-70.)

54. *c. 1297. Grant by bp. to church of Darlington of messuage in vill.*

Grant by bp. to God and the church of St. Cuthbert, Darlington, and Robert de Roueston, perpetual vicar, and his successors, of the messuage with appurts. in vill of Darlington by gate of bp's. manor, previously held of bp. by Adam de Stokeslay and Cecilia his wife, with a vennel, leading to the spring (*fontem*) at Hundegate, to enlarge the messuage; to hold in free alms without reservation. Witnesses: mr. William de St. Botulph, then archd. of Durham, sir Thomas de Leuesham, sir Peter de Thoresby, sir Gwichard de Charron, John de Saundon, John, lord of Skirnyngham, Robert de Levyngthorp, William son of Benedict of Darlington, John de Blakwelle, Peter *clerico*, William de Ruyile, Adam de Suaton and others.

(Conf. by pr. and c. of Durham, 26 March 1329: Durham, Reg. I ii, f. 35v.; PRO., Reg. Kellawe, f. 314 (RPD III, 235-7).)

55. *c. 1297. Grant by bp. to John son of Marmaduke of lands forfeited by John de Parco.*

Sciant presentes et futuri quod nos Antonius permissione divina Dunelmensis episcopus dedimus et concessimus et hac presenti carta nostra confirmavimus dilecto bachelario nostro domino Johanni filio Marmaduci omnes terras et tenementa cum omnibus suis pertinenciis que dominus Johannes de Parco quondam tenuit infra libertatem nostram Dunelmensem in Wethelaune, et que fiunt escaeta nostra racione guerre; tenendum et habendum predicto Johanni et heredibus suis vel assignatis de nobis et successoribus nostris et ecclesia nostra Dunelmensi libere, quiete, bene et in pace imperpetuum; faciendo nobis et successoribus nostris et ecclesie nostre supradicte servicia inde debita et consueta. Et ut hec donacio firma permaneat et stabilis presentem cartam sigilli nostri munimine fecimus roborari. Hiis testibus: dominis Johanne de Hastynges, Willelmo de Brouhouse, Willelmo Martun, Rogero de Munbray, Petro Curbet, Roberto de Reuis, Roberto Hanserd, Ranulpho de Frosterley, Thoma Darcy, Philippo Darcy et Roberto le Veneur, militibus; dominis Ricardo de Overtone et Willelmo le Rous, clericis, et aliis.

(Eighteenth-century transcripts: Durham, Dean and Chapter Library, Randall MSS. 3, p. 196; 7, p. 282.)

56. *11 July 1297. Orvieto. Licence from pope Boniface VIII to bp. to appropriate church of Simonburn to his table.*

Whereas John de Balliol, lately king of Scotland, has recognised that he and his predecessors have unjustly occupied property (*possessiones*) of the bp. and his church and in amends has granted them certain lands and the advowson of the church of Simonburn, dioc. Durham, now there is war in those parts, causing the bp. great expense. The bp. has petitioned Boniface VIII that the church is in a solitary place, near the borders of England and Scotland, wherefore there are many dangers and it is difficult to find rectors who will stay there to serve the church personally. The pope grants that the church may be appropriated for the use of the bp's. table on the death or resignation of the present rector: and a vicarage be instituted.

(*Reg. Boniface VIII*, I no. 2125, cols. 815-6. Copy: B.M., Lansdowne MS. 397, f. 240r.-v.)

57. *19 July 1297. Westminster. Joint letter from archbp. of Canterbury, bps. of Durham, Lincoln, London, Ely, Norwich and Bath and Wells, and archbp.-elect of Dublin, urging the earl marshal and his associate barons to parley.*

Robert, archbp. of Canterbury, D. (*sic*) of Durham, O. of Lincoln, R. of London, W. of Ely, R. of Norwich and W. of Bath and Wells, bps., and W. archbp.-elect of Dublin greet the earl marshal and barons of his following (*comitiva*). After discussion between the bps. and the king, the latter is pleased to speak with them on various matters which seem good to the bps. These request the addressees in virtue of their concern for the state of the kingdom, its inhabitants and the church of England and especially in view of the dangers of discord between the king and the addressees, that they come to some agreement. The bps. advise a speedy meeting at Waltham, Barking, Stratford or another suitable place near London, and ask to be informed by the bearer of the place and day decided for negotiation. Sealed at Westminster 14 Kal. Aug. 1297.

(*Reg. Winchelsey,* pp. 180-1.)

58. *c. 15 June 1298. Letter of bp. to pope Boniface VIII reporting performance of mandate to consecrate archbp. of York.*

Certificate of bp. to pope that in accordance with papal letters to bp. of Carlisle and himself[1] to join with two or three other bps. in consecrating Henry [de Newark], archbp.-elect of York, and other letters to bp. of Ely and himself to receive Henry's oath of obedience to pope, he had been present on 15 June at York minster with the bps. of Coventry and Lichfield, St. Asaph and Cork, when he consecrated the elect and received his oath of fealty according to the form sent him by the pope.

(*Reg. Newark,* pp. 307-8.)

59. *c. 15 June 1298. Letter of bp. to pope concerning delivery of pallium to archbp. of York.*

Certificate of bp. to pope that according to papal instructions (cf. no. 58) he had consecrated Henry de Newark, archbp.-elect of York, assisted by bps. of Coventry and Lichfield, St. Asaph and

[1] *Vide Reg. Boniface VIII,* II no. 2402, col. 11.

Cork. He had received his oath of obedience to the pope and assigned him the pallium.

(*Reg. Newark*, p. 308.)

60. *17 June 1298. Bp. Auckland. Assignment by bp. of land in* Holsawod[1] *to chantry of Virgin in church of St. Andrew Auckland.*

Omnibus Christi fidelibus presens scriptum visuris vel audituris Antonius dei gracia Dunelmensis episcopus salutem. Noverit universitas vestra quod cum Willelmus Faukys et Eda uxor sua unum mesuagium cum uno tofto et viginti acris terre et una acra bosci cum pertinenciis in Holsawod', de tenementis illarum quadraginta acrarum terre quas quondam Walterus bone memorie Dunelmensis episcopus magistro Galfrido Coco, servienti suo, et heredibus suis vel assignatis ad feodi firmam per cartam suam dedit et concessit, nobis in Curia nostra apud Dunelmum reddiderunt et quietum clamaverunt prout per finalem concordiam inter [nos] et predictos Willelmum et Edam in dicta Curia nostra inde levatam patet evidenter: nos ad divini cultus ampliacionem volentes piis usibus assignare dictum mesuagium cum tofto et viginti acris terre et una acra bosci supradictis ad promocionem et sustentacionem Cantarie ad altare beate virginis in ecclesia sancti Andree de Aukland ad nostram collacionem spectantis, domino Johanni de Watthynesfeld' capellano dicto altari ministranti et suis successoribus in dicta Cantaria ministraturis dedimus, concessimus et presenti carta nostra confirmavimus: habendum et tenendum libere, quiete, pacifice, integre, cum omnibus suis libertatibus, asiamentis et pertinenciis in perpetuam elemosinam: reddendo inde annuatim nobis et successoribus nostris ad scaccarium Dunelmi quinque solidos tantum ad quatuor anni terminos in Episcopatu Dunelmensi constitutos pro omnibus demandis et secularibus exactionibus quibuscumque que de predicta terra et tenementis exigi poterunt in futurum. Et ut hec nostra concessio, donacio et presentis carte confirmacio robur optineat perpetue firmitatis sigillum nostrum apponi fecimus huic carte. Hiis testibus: dominis Roberto de Hilton, Ranulpho de Nevill', Johanne Marmeduk, Gwichardo de Carron, Johanne de Conyers, Gilberto de Heworth, militibus; magistro Willelmo de

[1] ? Howlish.

sancto Botulpho tunc senescallo nostro; dominis Petro de Thoresby, Thoma de Leuesham, clericis; Willelmo Pollard, Waltero de Bermeton, Thoma le Chaunceller, Waltero de Lutryngton, Johanne de Hennekoll' et aliis. Dat' apud Aukland, septimo decimo die mensis Junii, anno domini M°CC° nonagesimo octavo et consecracionis nostre quintodecimo.

(Conf. of pr. and c. of Durham, 19 Aug. 1388, of conf. by bp. Fordham, 17 Aug. 1388, by hand of William de Elmedon, his chancellor: Durham, Reg. II, ff. 298v.-299.)

61. *26 Oct. 1298. Northallerton. Grant by bp. of lands by Tursdale to mr. Richard de Coxhowe.*

Omnibus sancte [matris] ecclesie filiis ad quos presens scriptum pervenerit A. permissione divina Dunelmensis episcopus salutem in domino. Noverit universitas . . . nos . . . presenti carta nostra confirmasse magistro Ricardo de Coxhowe, clerico, pro homagio et servicio suo Qu[ater viginti] acras terre vasti nostri iacentes ex parte orientali iuxta campum de Trillesden et abuctant versus aquilonem super le W[ydehopebur]n et versus austrum super le Fenneburn cum omnibus suis pertinenciis: ita quod liceat dicto Ricardo dictam terram includer[e et in suo seper]ali habere. Habendas et tenendas dicto Ricardo et heredibus suis et suis assignatis de nobis . . . et ecclesia nostra Dunelmensi libere . . . inperpetuum. Reddendo inde annuatim nobis . . . ad scaccarium nostrum Dunelmi quadraginta sex solidos et octo denarios sterlingorum ad quatuor anni terminos . . . pro omnibus serviciis, consuetudinibus, sectis curiarum et molendinorum seu quibuscumque aliis secularibus demandis. Heredes vero dicti Ricardi dabunt vigin[ti solidos] sterlingorum pro relevio suo quocienscumque . . . In crt. . . . Hiis testibus: magistro Willelmo de sancto Botulpho tunc senescallo nostro Dunelmensi, Thoma de Leuesham, Petro de Thoresby, clericis; dominis Guyschardo de Charron, Roberto de Hilton, Johanne filio Marmeduci, Gilberto de Heworth, militibus; Willelmo Pollard, Waltero de Bermeton, Waltero de Rowthebyrie, Thoma Chauncelere, Johanne de Bradwode, Willelmo Hamond et multis aliis. Dat' apud Aluerton vicesimo sexto die mensis Octobris anno domini M°CC° Nonagesimo octavo et c.n. 15.

(Torn contemp. copy of conf. of pr. and c. of Durham, 16 Dec.

1298: Durham, Misc. Charter 6416: entered defectively in Reg. I ii, f. 30r.-v. Readings in square brackets derived from latter.)

62. *c. 1299. Confirmation by bp. to Gilbert Gategang and his wife of lands held in Gateshead by Gilbert, his father.*

Omnibus sancte matris ecclesie filiis . . . A. permissione divina Dunelmensis Episcopus salutem . . . Noverit universitas . . . nos . . . hac presenti carta nostra confirmasse dilecto et fideli nostro Gilberto Gategang' et Sibille uxori eius pro homagio et servicio suo domos capitales, terras, tofta et crofta ex occidentali parte ville de Gatesheuede que quondam fuerunt Gilberti patris sui, cum pratis de Saltewelmedue et de Fletys cum quatuor acris forati in pratis de Quicham et quater viginti acris novi vasti in campis de Gatesheuede, quarum triginta acre iacent in Cockeschotys iuxta le Lonyng', et triginta octo acre subtus le Hesse, et duodecim acre subtus in le Strother, una cum quadraginta et sex acris terre in mora de Boldon; habend' . . . eisdem Gilberto et Sibille uxori eius et eorum heredibus de corporibus suis legitime procreatis de nobis . . . et ecclesia nostra Dunelmensi libere . . . imperpetuum; reddendo et faciendo inde annuatim burgo nostro de Gatesheuede pro predictis domibus, terris, toftis et croftis, debita servicia et consueta, et nobis . . . ad scaccarium nostrum Dunelmi quatuor libras duos solidos et duos denarios: videlicet pro prato in Saltewelmedue tres solidos et quatuor denarios, pro prato de Fletys decem solidos, et pro sexaginta octo acris in Cockeschotys et in le Hesse triginta quatuor solidos, et pro duodecim acris in le Strother octo solidos, quas quidem duodecim acras includet et in suo seperali tenebit omni tempore anni, et pro quadraginta sex acris terre in mora de Boldon viginti sex solidos et decem denarios, ad quatuor anni terminos in episcopatu Dunelmensi statutos pro omnibus aliis serviciis et secularibus demandis. Heredes vero dictorum Gilberti et Sibille de corporibus suis legitime procreati dabunt pro relevio suo quocienscumque contigerit ipsos dictas terras releviare unam marcam argenti tantum. Et molent bladum suum quantum molere voluerint ad astovaria (*sic*) sua ad vicesimum vas. Volumus eciam et concedimus pro nobis et successoribus nostris quod si predicti Gilbertus et Sibilla infatis decedant sine heredibus de corporibus suis legitime procreatis, omnia predicta tenementa cum suis pertinenciis ad heredes ipsius Gilberti integre revertentur,

tenenda de nobis . . . pro predictis serviciis sicut predictum est imperpetuum. In crt. . . . Hiis testibus: magistro Willelmo de sancto Botulpho, tunc senescallo nostro Dunelmensi; dominis Thoma de Leuesham, Petro de Thorysby, Radulpho Warsope, clericis; dominis Briano filio Alani, Roberto de Hilton, Johanne filio Marmeduci, Guischardo de Charron, Waltero de Wessington, militibus; Johanne de Bidik', Johanne de Oseworth, Johanne de Birteley, Waltero de Scroteville, Willelmo de Redhough, Willelmo de Farnakrys, Johanne Gategang, Rogero de Esche et aliis.

(Contemp. copy: Durham, Misc. Charter 7125*n*. Registered: Reg. I ii, f. 43r.-v. Conf. by Edward II, 15 April 1312, on Charter Roll: CChR III 193.)

63. *16 Nov. 1299. York. Commission from Edward I to bp. to levy 5000 or 6000 footmen from franchise.*

Edward I, about to proceed against the rebellious Scots, requires the aid of the bp. and his men (*homines*) and requests him to select 5000 or 6000 able foot-soldiers from his bpric. to be at Berwick on Sunday, the feast of St. Lucy (13 Dec.) ready to set out with the king at his wages against the Scots. John de Seleby, king's clerk, is sent with this letter, to superintend selection and pay wages till Berwick is reached.

(Close Roll: CCR 1296-1302, p. 323; printed *Parl. Writs* I, 326; cf. no. 65 *infra*.)

64. *8 Jan. 1300. Durham. Grant by bp. of land in Quarrington moor to Walter de Roubery.*

Omnibus Christi fidelibus . . . A. permissione divina Dunelmensis episcopus salutem . . . Noveritis nos . . . hac presenti carta confirmasse dilecto et fideli nostro Waltero de Robiry pro homagio et servicio suo triginta et quatuor acras terre de vasto nostro in mora nostra de Queryngdon, extendentes se ex parte occidentali ad campum de Crockestall et ex parte orientali ad altam stratam que se ducit de villa de Trillesdon versus Dunelm' et ex parte aquilonali ad moram de Schynecliffe et ex parte australi ad moram de Trillesdon ad Brademerebeche, prout fossatis includuntur. Habendum et tenendum de nobis et successoribus nostris ecclesie Dunelmensis dicto Waltero, heredibus suis et suis assignatis libere, integre, pacifice et hereditarie imperpetuum: reddendo inde annuatim nobis . . . ad

scaccarium nostrum Dunelmi octo solidos et sex denarios ad quatuor anni terminos . . . pro omni servicio . . . Volumus eciam et concedimus pro nobis . . . quod dictus Walterus, heredes sui et sui assignati predictas triginta et quatuor acras terre cum suis pertinenciis includant et omni tempore anni in suo habeant seperali. In crt. . . . Hiis testibus: dominis Ranulpho de Neville, Roberto de Hilton, Johanne de (*sic*) Marmeduk, Roberto de Lomley, Gwichardo de Charron, Waltero de Wessyngton, Philippo de la Ley, militibus; Petro de Herdewyk, Ricardo de Hacte, Waltero de Lutrington, Petro de Tuddehowe et aliis. Dat' apud Dunolmum sexto idus Januarii anno domini millesimo CC^mo^ nonagesimo nono et c.n. 16.

(Confs. by bp. Langley, 29 Sept. 1431, by hand of William Chaunceller, his chancellor, on his chancery roll: PRO., Durham Chancery Enrolments 36, m. 3 no. 14; by pr. and c. of Durham, saving liberties of the church of Durham, 29 Oct. 1443: Durham, Reg. III, f. 298. Late fourteenth-century copy of charter: Durham, 4a.13e. Spec. 16.)

65. *17 Jan. 1300. Blyth, Notts. Mandate from Edward I to bp. to arrest deserters arrayed on earlier commission* (*no. 63*).

Edward I notifies bp. that whereas certain foot-soldiers of his bpric. were selected by him at king's request to proceed to Berwick to set out with latter at his expense against the Scots, these men received money from the king and several vills in the bpric. and then returned home without permission. All those named as deserters by John de Seleby, chosen to supervise the selection of footmen and to pay their wages, are to be seized by the bp. and imprisoned in the king's prison till they have doubly satisfied the king and the vills which they have defrauded. The bp. may allow them bail on sufficient pledges (*manucaptores*) to answer before the king and receive the judgment of his court.

(Close Roll: CCR 1296-1302, p. 382; printed *Parl. Writs* I, 329.)

66. *24 April 1300. Durham. Preliminaries to bp's. visitation of c. of Durham.*[1]

[1] The following five documents are entered consecutively in Reg. III, ff. 81-5, under the caption: "Acta Antonii Episcopi Dunelmensis in visitacione sua contra priorem et capitulum."

In nomine domini amen. Anno domini millesimo tricentesimo, indiccione terciadecima, octavo kal' Maii; in presencia mei Ade notarii publici infrascripti et testium subscriptorum discreti viri magistri Robertus de Abbuurwyk, officialis reverendi patris domini Antonii dei gracia episcopi Dunelmensis [et Hugo de Bolton, rector ecclesie de Brancepath][1] in processione ante magnam missam [in ecclesia Cathedrali Dunelmensi][1] presencialiter constituti, exhibito, lecto publice et recitato mandato dicti patris Dunelmensis episcopi eis in hac parte directo, sigillo maiori ipsius patris cera rubea patenter sigillato, cuius tenor talis est:

Antonius permissione divina Dunelmensis episcopus dilectis in Christo filiis officiali suo Dunelmensi et Hugoni de Boulton' rectori ecclesie de Brauncepath salutem cum benediccione et gracia salvatoris. Auctoritate pontificali qua fungimur vobis coniunctim in virtute sancte obediencie qua nobis indubitanter estis astricti et sub pena districcionis canonice firmiter iniungendo mandamus quatinus omnes illos qui maleciose (*sic*), scienter et iniuste perturbant, violant vel infringunt aut excogitata malicia perturbare, violare vel infringere moliuntur seu quomodolibet machinantur iura, libertates, iurisdicciones vel possessiones episcopi [et] eciam ecclesie Dunelmensis, et quoscumque malivolos conspiratores in hac parte clam vel palam, una cum suis actoribus, fautoribus et complicibus universis et cuiuscumque fuerint condicionis, dignitatis seu status, in ecclesia nostra Cathedrali predicta necnon in singulis aliis regularibus collegiatis et perochialibus (*sic*) ecclesiis et capellis tocius nostre diocesis singulis diebus dominicis et festivis usque ad solempnitatem festi Pentecostes proximo subsequentem ipso facto in genere excommunicatos esse, pulsatis campanis, accensis candelis et extinctis, solempniter et publice quando maior aderit cleri et populi multitudo seu concursus per vos aut per alios nuncietis et faciatis diligenter et fideliter nunciari. Diem vero recepcionis presencium et quid super execucione huiusmodi mandati nostri feceritis nobis infra octo dies post festum Pentecostes antedictum proximum numerandos per vestras patentes litteras harum seriem continentes sine tarditate qualibet, sub pena superius memorata fideliter rescribatis. Bene valete.

Auctoritate dicti mandati omnes illos qui maliciose, scienter et

[1] Inserted in different hand.

iniuste perturbant, violant vel infringunt aut excogitata malicia perturbare, violare vel infringere moliuntur seu quomodolibet machinantur iura, libertates, iurisdicciones, possessiones episcopi et ecclesie Dunelmensis, et quoscumque malivolos conspiratores in hac parte clam vel palam, una cum suis actoribus, fautoribus et complicibus universis cuiuscumque fuerint condiccionis, dignitatis aut status, ipso facto excommunicatos esse, pulsatis campanis, candelis accensis et extinctis, solempniter et publice coram monachis ecclesie Dunelmensis ac clero et capitulo denunciarunt in scriptis sub hac forma:

Auctoritate igitur dicti mandati venerabilis patris domini Antonii, dei gracia episcopi Dunelmensis prelibati, nos officialis Dunelmensis et Hugo de Boulton, rector ecclesie de Brauncepath antedicte omnes illos qui maliciose . . . ipso facto excommunicatos esse denunciamus in hiis scriptis.

Ipsam quoque denunciacionem una cum contentis in mandato supradicto Anglice exposuerunt populo memorato ac se per se et alios in singulis ecclesiis et capellis diocesis Dunelmensis predictum mandatum iuxta sui formam et tenorem exequi debere constanter asserebant. Acta fuerunt hec anno, indiccione, die, mense et loco supradictis, presentibus dominis Radulpho, rectore ecclesie sancte Marie de Ballio australi, Ricardo, rectore ecclesie beate Marie de Ballio boriali, Willelmo, vicario ecclesie beati Oswaldi, Johanne de Celest', Thomasio de Maynesford, Gilberto Runcthecar; domino Roberto de Hottone; Willelmo de Rolay, Johanne Carram, Andrea Cancellario, Waltero piscario, Roberto de Burynghill, Galfredo de Blida, Johanne de Laycestre et aliis testibus in multitudine numerosa.

Et ego Adam etc. (*sic*).

(Registered: Durham, Reg. III, f. 81r.-v.)

67. *20 May 1300. Durham. Instrument of process of visitation by bp.*

In nomine domini amen. Anno domini Millesimo Tricentesimo, Indiccione terciadecima, terciodecimo kal' Junii, in crastino ascensionis dominice circiter horam primam, termino ad infrascriptam[1] visitacionem exercendam statuto peremptorio et assignato, venerabilis pater dominus Antonius dei gracia episcopus Dunelmensis

[1] *adinscriptam* in MS.

intendens ecclesiam suam Dunelmensem tam in capite quam in membris, in personis et rebus, prout ius exigit et sibi incumbit ex officio et iure ordinario visitare, accessit personaliter ad ecclesiam suam Dunelmensem cathedralem in pleno capitulo in quo religiosi viri prior et conventus seu capitulum dicte ecclesie Dunelmensis de mandato dicti patris . . .[1] infrascripti et testium subscriptorum, proposito verbo dei, lectisque litteris certificatoriis factis in hac parte, una videlicet vero sigillo communi ecclesie seu capituli ecclesie Dunelmensis cera viridi et alia sigillo prioris loci eiusdem cera rubea patenter sigillatis, que quidem sigilla tam dictus prior quam conventus sua esse constanter asserebant et confessi fuerunt, quarum litterarum tenores tales sunt:

Reverendo in Christo patri ac domino, domino Antonio dei gracia episcopo Dunelmensi devoti filii frater Ricardus, prior ecclesie Dunelmensis, et eiusdem loci conventus salutem cum debitis et devotis obediencia, reverencia et honore. Reverende paternitatis vestre mandatum recepimus seriem continens infrascriptam:

Antonius permissione divina Dunelmensis episcopus dilectis in Christo filiis priori et conventui ecclesie Dunelmensis salutem, graciam et benediccionem. Quia in crastino ascensionis dominice proximo futuro intendimus, annuente domino, ad ecclesiam nostram antedictam accedere, officium visitacionis tam in capite quam in membris, in personis et rebus, prout ius exigit et nobis incumbit ex officio diligenter inpensuri: volentes [vos] super hoc ut decet legitime premuniri vobis omnibus et singulis in virtute obediencie firmiter iniungendo mandamus quatinus dicto die, hora competenti, cum continuacione et prorogacione dierum ut opus fuerit, in capitulo ecclesie supradicte nobis in forma debita occurratis et huiusmodi visitacioni nostre una nobiscum intersitis, ipsam visitacionem nostram in hiis que statum vestrum et ecclesie predicte contingunt ibidem subire in forma canonica tunc parati [et] actualiter suscepturi ulteriusque facturi et recepturi quod canonicum et iustum fuerit, ac utilitati eiusdem ecclesie et regulari conveniens videbitur discipline; de die vero recepcionis presencium nos absque morose tarditatis dispendio certificetis per litteras vestras patentes harum seriem continentes. Dat' apud Derlington X kalend' Maii anno domini Millesimo tricentesimo et consecracionis nostre XVII.

[1] Apparent omission in MS.

Has autem litteras vestras die Mercurii proxima post festum sancti Marci euuangeliste cum debita devocione recepimus, super quarum recepcione paternitatem vestram reddimus certiorem. Valeat paternitas vestra in pio Jesu prospere per tempora longiora. Dat' Dunelmi quarto non' Maii anno supradicto.

Item: Reverendo in Christo patri ac domino, domino Antonio dei gracia Dunelmensi episcopo devotus filius frater Ricardus prior ecclesie Dunelmensis salutem cum plena promptitudine debite et devote obediencie, reverencie et honoris. Reverende paternitatis vestre mandatum quinto kal' Maii recepimus seriem continens infrascriptam:

Antonius permissione divina Dunelmensis episcopus dilecto in Christo filio priori suo Dunelmensi salutem, graciam et benediccionem. Quia in crastino ascencionis dominice proximo futuro cum continuacione et prorogacione dierum ut opus fuerit, intendimus, annuente domino, ad ecclesiam nostram antedictam accedere, officium visitacionis tam in capite quam in menbris, in personis et rebus, prout ius exigit et nobis incumbit ex officio diligenter inpensuri, prout vobis et conventui ecclesie nostre coniunctim per alias nostras litteras patentes id duximus nunciandum, vobis in virtute obediencie firmiter iniungendo mandamus quatinus religiosos viros priorem de sacra Insula, de Fynkall, de Stamford et de Lythume et alios commonachos suos officium vel administraciones in locis eisdem habentes, necnon de Jarow et de Wermouth magistros seu administratores quocumque nomine censeantur et associatos vel assistentes eisdem aliosque confratres et commonachos vestros separatim in locis singularibus et vicinis ecclesie Dunelmensis commorantes peremptorio citetis vel citari faciatis, quod dicto die in capitulo ecclesie nostre Dunelmensis compareant personaliter coram nobis, nostram visitacionem huiusmodi in forma canonica suscepturi, ulteriusque facturi et recepturi quod canonicum et iustum fuerit ac utilitati ecclesie et regulari conveniens videbitur discipline; de die vero recepcionis presencium et quid feceritis in premissis nos absque morose tarditatis dispendio certificetis per vestras patentes litteras harum seriem continentes. Dat' apud Derlyngton X kal' Maii, anno domini Millesimo tricentesimo et consecracionis nostre XVII.

Quod quidem mandatum vestrum sumus in omnibus et singulis

sicut decet reverenter executi. Dat' Dunelmi IIII° non' mensis Maii, anno domini supradicto.

Idem quoque pater supradictus quasdam moniciones et sentencias suas in scriptis redactas per dominum Rogerum de Waltham, clericum presentem, legi precepit [et] mandavit et commisit solempniter proferri et publicari; quarum tenor talis est:

Quia plerumque contigit quandoque episcopi in locis sibi subiectis tam in capite quam in membris habeant visitacionis officium exercere, quidem proprie salutis inmemores, spiritu maligno exagitati, coniuraciones, conspiraciones, colligaciones et confederaciones faciunt, ne veritas eorum que episcopo visitanti ac deputatis ab eodem in quibus correccio canonica foret utilis, necessaria et honesta reveletur, et sic visitacionis officium scienter impediunt et fraudulenter; nos Antonius, permissione divina Dunelmensis episcopus, deliberacione prehabita, omnes coniuratores, conspiratores, colligatores et confederatores huiusmodi monemus primo, secundo et tercio peremptorio cum tempus non paciatur ulterius deliberandi consilium, quatinus a talibus coniuracionibus, conspiracionibus, colligacionibus et federacionibus que in preiudicium seu impedimentum instantis visitacionis nostre vergere vel extendi possent totaliter desistentes, omnia et singula que sciunt vel credunt tam in personis quam rebus huiusmodi ecclesie et conventus nostri Dunelmensis esse corrigenda vel reformando (*sic*) nobis et ad hoc deputandis a nobis distincte et aperte revelent, nichil omnino occasione coniuracionis . . . predictarum quocumque quesito colore occultantes, sub pena maioris excommunicacionis, quam in omnes et singulos contra venientes vel facientes clam vel palam proferimus in hiis scriptis: reservantes nobis solis specialiter absolucionis beneficium impendende illis vel illi preterquam in mortis articulo qui in sentenciam inciderunt antedictam, et potestatem huiusmodi priori nostro et cuicumque vicem eius gerenti penitus adimentes. Et quia quandoque evenit quod mutuo queritur inter aliquos quid quesiverat episcopus in articulis visitacionum et que responsio ad interrogata sibi facta fuerit, vel sponte aliquid dictum fuerit et ex hoc suscitantur odia inter fratres, scandela gravantur ac eciam pericula subsecuntur, inhibemus eciam sub pena excommunicacionis predicta, quam contra veniens vel faciens ipso facto incurrat, ne quis monachus huius

domus quicquam ab alio querat de hiis que ab ipso in nostra visitacione quesita erunt vel de hiis que examinatus sponte dixerit et ne quicquam de hiis que dixerit aliis vel alii revelet clam vel palam, dicto, facto vel signo, seu quocumque modo; et beneficium absolucionis eorum qui ex hac causa in sentenciam excommunicacionis inciderunt persone nostre, excepto mortis articulo, specialiter reservamus. Monemus eciam vos priorem et singulos monachos huius ecclesie nostre Dunelmensis in virtute obediencie qua nobis estis astricti ne clam vel palam, dicto vel facto, seu quocumque quesito colore, hanc visitacionem nostram presumatis aliqualiter impedire; propterea omnes qui visitacionem nostram publice vel occulte, clam vel palam, scienter impediunt quoquomodo aut procurant impedire maioris excommunicacionis sentencia in hiis scriptis innodamus, quorum absolucionem persone nostre, excepto mortis articulo, specialiter reservamus. Inhibemus insuper vobis omnibus et singulis de conventu nostro predicto in virtute sancte obediencie qua nobis indubitanter estis astricti et sub pena excommunicacionis predicta quam in omnes et singulos contra venientes seu facientes, cuiuscumque sint ordinis, dignitatis vel status, proferimus in hiis scriptis, ne quis vestrum per vos vel per alium seu alios, clam vel palam, directe vel indirecte, quocumque colore seu figmento quesito, arte, ingenio, machinacione, excogitata malicia seu quovis alio modo in dampnum, molestiam aut gravamen status vel fame lesionem illorum religiosorum seu secularium qui instantis visitacionis nostre actum excitabant, procurabant vel ad id aliqualiter institerunt, quicquam preiudiciale statuat, inferat, procuret vel attemptet; alioquin subiaceat sentencie supradicte: et te, magistrum Adam de Lyndeseya, publicum sancte Romane ecclesie notarium, petimus ut super premissis omnibus et singulis nobis facias publicum instrumentum.

Dicti vero prior ac singuli de conventu a dicto capitulo recesserunt. Ceterum dictus dominus Ricardus prior memoratus cum quibusdam clericis et monachis suis rediens et comparens coram dicto patre, dixit aliqua fore ex parte ipsius dicenda et legenda coram ipso patre: et cum diceretur eidem priori per aliquos assistentes episcopo memorato: "Domine prior, nichil intenditis facere nisi impedire visitacionem domini nostri episcopi", idem Ricardus prior, apposita manu ad pectus, iuravit in verbo dei quod nichil aliud ibi legeretur

nisi tantummodo quoddam procuratorium pro ipso et conventu et quod nulla provocacio seu appellacio ibidem legeretur; et in continenti quidem monachus quem dictus prior secum introduxit de precepto ipsius prioris quoddam procuratorium legit,[1] quo perlecto, statim legit quamdam provocacionem et appellacionem,[2] dicto domino Ricardo priore presente permittente et sic tacite approbante ac eciam conscenciente. Protestans idem pater et eciam offerens pluries se paratum iuxta canonicas sancciones et disciplinam regularem ac modum et consuetudinem ecclesie sue Dunelmensis prout sui predecessores, episcopi Dunelmenses, qui pro tempore fuerunt, hactenus debuerunt et consueverunt, ad suam visitacionem in forma canonica procedere ac omnia et singula rite peragere et adimplere que suo incumbunt officio in hac parte, necnon prefatos religiosos super privilegiis suis ac consuetudinibus iuri consonis et approbatis, si que sunt, diligenter audire ac sibi iusticie complementum in omnibus exhibere: cumque inter cetera ex parte dictorum religiosorum fuisset pluries vocetenus allegando propositum se non teneri, suadente consuetudine ecclesie Dunelmensis diucius obtenta, dictam visitacionem subire dummodo clerici dicti patris vel alii interessent, et quod dictus pater solus visitacioni sue faciende una cum eis interesse deberet, aliis omnibus tam clericis quam laycis totaliter exclusis, ut dicebant: idem pater protestatus est palam et expresse per magistrum Reginaldum de Brandon, canonicum sancti Pauli, London', presentem, quem ad hoc fecit organum sue vocis, se velle amovere de capitulo omnes clericos suos et alios preter tres vel quatuor et notarium, et sic visitacionem suam huiusmodi in forma canonica inchoare, exercere, et omnia et singula rite peragere, prout de iure teneretur. Cum autem dictus pater dixisset religiosis supradictis ut composicionem quamdam que *Convenit*[3] nuncupatur observarent, pecierunt iidem religiosi a dicto patre ut sustinere curaret quousque cum advocatis eorum conferre possent super composicione eadem (licet factum eorum esse diceretur). Porro dicti prior et capitulum visitacionem dicti patris eis oblatam in forma superius annotata subire et suscipere expresse recusarunt ac a dicto patre parato ad visitandum, ut est dictum, recesserunt. Unde dictus

[1] Original is Durham, Loc. 7, no. 51. *Vide* Appendix B.
[2] Original is Durham, Misc. Charter 5523 (50). *Vide* Appendix B.
[3] The text of the "Convenit" of 1228 is printed in full, S.S. 58, pp. 212-7.

pater ipsos religiosos publice et solempniter pluries perclamatos et preconizatos ac diu exspectatos, minime comparentes aut suam visitacionem subeuntes aut suscipientes, contumaciam, contemptum et inobedienciam manifestam et transgressionem canonum contraxisse, ac iurium et libertatum dicte ecclesie Dunelmensis violatores extitisse et existere, et ex hiis et aliis causis in sentenciam excommunicacionis per ipsum patrem latam dampnabiliter incidisse, in scriptis pronunciavit, decrevit et declaravit ac ulterius contra eos tamquam inobedientes et rebelles processum suum huiusmodi in scriptis ordinari fecit et per dominum Rogerum de Waltham clericum supradictum legi publice et recitari tam in dicto capitulo quam in navi ecclesie Dunelmensis coram clero et populo inibi congregatis. Cuius sentencie seu processus tenor talis est:

In nomine domini amen. Cum nos Antonius permissione divina Dunelmensis episcopus intendentes visitacionis officium in ecclesia nostra Dunelmensi tam in capite quam in membris exercere, literatorie mandaverimus Ricardo priori et conventui nostre ecclesie supradicte, citantes eosdem quod occurrerent nobis et interessent personaliter visitacioni nostre in crastino ascensionis domini anno eiusdem Millesimo Trice[nte]simo, videlicet terciodecimo kal' Junii in capitulo ecclesie nostre predicte, suscipere visitacionem nostram in hiis que statum ecclesie supradicte et conventus sive capituli eiusdem contingerent in forma canonica tunc parati, ulteriusque recipere quod utilitati eiusdem ecclesie et regulari foret conveniens discipline, mandantes nichilominus priori nostre ecclesie Dunelmensis predicte quod citaret priores de Fynkall, de sacra Insula, de Stamford et de Lythum et magistros seu custodes de Jarow et Wermouth et alios commonachos in locis singularibus commorantes ut coram nobis dictis die et loco personaliter comparerent visitacionem nostram huiusmodi in forma canonica ut premittitur suscepturi: ac tam supradicti Ricardus prior et conventus ecclesie nostre Dunelmensis quam priores, magistri, custodes et alii commonachi cellarum et locorum superius expressorum, licet coram nobis tunc in nostro capitulo personaliter comparerent, requisiti tamen et moniti quam pluries quod nostram canonicam visitacionem iuxta formam citacionis et certificacionis per eosdem emologatarum et approbatarum necnon iuxta formam canonicam consuetam et regularem disciplinam reciperent, ipsam visitacionem canonice eis oblatam subire et

suscipere contempserunt et expresse recusarunt, a nobis contumaciter, inobedienter et contemptibiliter recedendo, dicte visitacionis nostre officium per diversas machinaciones et subterfugia, monicionum nostrarum et sentenciarum excommunicacionis in inpedientes visitacionem ipsam prolatarum non ingnari (*sic*), non absque nota transgressionis canonum et obediencie necnon in nostre iurisdiccionis et libertatis dicte nostre ecclesie lesionem, preiudicium et contemptum et scandalum plurimorum presumpserunt temere et dampnabiliter impedire. Unde considerantes quod parum prodesset humilibus obediencia nisi obesset contumacibus contemptus, et culpam esse in talibus relaxare vindictam, nos cum apostolo[1] volentes omnem inobedienciam, contumaciam et contemptum ulcissci, dictum Ricardum priorem ecclesie nostre predicte, eiusdem ecclesie subpriorem, tercium priorem, sacristam, precentorem, celerarium, terrarium, hostillarium, camerarium, bursarium, granatarium, refectorarium et fratres Johannem de Castro Bernardi, Galfridum de Bordon, Robertum de Routhbery, commonachos dicte domus, contumaciam, contemptum et inobedienciam manifestam et transgressionem canonum contraxisse ac eciam iurium et libertatum dicte ecclesie nostre violatores extitisse et existere et in sentencias excommunicacionum per nos latas in impedientes visitacionem nostram dampnabiliter incidisse in hiis scriptis pronunciamus, decernimus et eciam declaramus, ac dictos omnes et singulos canonica monicione premissa in hiis scriptis nichilominus pro huiusmodi commissis excommunicamus et excommunicatos esse pronunciamus et declaramus, decernentes easdem sentencias debite execucioni fore denunciandas, penas alias condignas eis et eorum cuilibet in hac parte infligendas, prout exigit qualitas excessuum predictorum et aliorum, nostre voluntatis arbitrio reservantes. Insuper conventum nostre ecclesie Dunolmensis, Priores de sacra Insula, de Fynkall, de Stamford, de Lythum' ac magistros et custodes de Jarow et Weremouth et alios administratores locorum eorumdem contumaces in hiis scriptis pronunciamus ex causis supradictis, penam eis canonicam infligendam nobis et nostris commissariis reservantes, potestate addendi, corrigendi, subtrahendi nobis semper salva.

Acta fuerunt hec que supradixi in capitulo Dunelmensi ut est dictum, anno, indiccione, die, mense predictis, presentibus venerabili

[1] ? II Cor. 10.6.

patre fratre Hugone episcopo Bibliensi et discretis viris magistris Willelmo de sancto Botulpho, archidiacono Dunelmensi, Reginaldo de Brandon, canonico ecclesie sancti Pauli, London', Adam de Duffeld, canonico ecclesie Pontiselandi, Roberto de Abberwyk, decano ecclesie de Aukland, Alano de Esyngwald, rectore ecclesie de Ryton; dominis Petro de Thoresby,[1] magistro hospitalis de Kepyere, Willelmo de Insula, magistro hospitalis de Shirburn, Hugone de Boulton,[2] rectore ecclesie de Brauncepath, Dunelmensis diocesis, et Ricardo de Ganyo,[3] notario, et aliis testibus in multitudine numerosa.

Et ego Adam filius Ade de Skyme de Botelich', dictus de Lyndeseya, Lincolniensis diocesis, apostolica et imperiali auctoritate notarius publicus, premissis interfui cum testibus subscriptis et ea vidi et audivi ipsaque scripsi, publicavi et in hanc formam publicam redegi rogatus.

(Registered: Durham, Reg. III, ff. 81v.-83v.)

68. *20 May 1300. Durham. Instrument of citation of pr. and c. of Durham before bp's. commissaries by official of archd. of Durham.*

In nomine domini[4] amen. Anno domini Millesimo Tricentesimo, indiccione terciadecima, terciodecimo kal' Junii, venerabilis pater dominus Antonius dei gracia episcopus Dunelmensis in castello suo apud Dunelmum constitutus, in presencia mei Ade notarii publici infrascripti, dominorum Petri de Thoreby et Andree de Labice de Dunelmo presbiteri testium ad hoc vocatorum et rogatorum, iniunxit ac eciam commisit discreto viro magistro Ricardo de Morpath, officiali domini archidiaconi Dunelmensis, presenti et mandatum suscipienti, ut statim ad religiosos viros Priorem et Conventum seu capitulum ecclesie sue Dunelmensis personaliter accederet ac ipsos moneret diligenter et peremptorie citaret ac denunciaret eisdem primam citacionem suam in hac parte eis factam continuando, ut coram dicto patre vel suis commissariis uno vel pluribus die crastina legitime compareant, penam canonicam pro delictis notorie coram ipso patre commissis recepturi necnon sentenciam seu pronunciacionem dicti patris vel suorum commissariorum unius vel plurium super premissis audituri ac iuri parituri ulteriusque facturi et recepturi quod incumbit. Dictus quoque officialis mandatum huiusmodi sibi factum et

[1] *Tylcynsby* in MS. [2] *Burn'* in MS. [3] *Ganeris* in MS. [4] Omitted in MS.

commissum suscipiens, mox accessit ad prioratum Dunelmensem in camera Prioris loci eiusdem, inventisque ibidem clericis et familiaribus ipsius Prioris, dixit eis se velle et debere ex parte venerabilis patris domini episcopi Dunelmensis supradicti ex mandato ipsius speciali aliqua Priori memorato nunciare. Et licet presenciam ipsius Prioris diucius ibi expectasset, tamen dictus Prior in sua capella, ut a famulis suis dicebatur, existens, sui copiam tunc facere minime curavit; unde officialis sepedictus in defectu presencie dicti prioris coram dictis clericis et familiaribus ipsius prioris monuit ac eciam citavit peremptorie, factum dicti patris seu processum inchoatum in hac parte continuando, ipsos priorem et conventum Dunelmenses ac denunciavit eis ut compareant coram dicto patre vel suo aut suis commissario vel commissariis die crastina in ecclesia cathedrali Dunelmensi penam canonicam pro delictis notorie coram dicto patre commissis, necnon sentenciam seu pronunciacionem dicti patris vel commissariorum suorum unius vel plurium super premissis audituri, ac iuri parituri, ulteriusque facturi et recepturi quod erit iustum; ipsam quoque monicionem, citacionem et denunciacionem necnon sentenciam seu pronunciacionem dicti patris vel commissariorum suorum unius vel plurium super premissis audituri pluribus monachis capituli Dunelmensis ante hostium capituli eorumdem publicavit, fecit et notificavit, presentibus clericis et familiaribus religiosorum eorumdem. Acta fuerunt hec anno, indiccione, die, mense et loco, videlicet apud Dunelmum, predictis; presentibus domino Andrea de ballio de Civitate Dunelmensi, domino Ricardo, rectore ecclesie sancte Marie de ballio boriali Dunelmensi, Willelmo Hopilaund et Adam de Laycestre testibus ad hoc vocatis et rogatis.

Et ego Adam etc.

(Registered: Durham, Reg. III, ff. 83v.-84.)

69. *21 May 1300. Durham. Commission of bp. to mr. John de Lascy and mr. Robert de Abberwyk to proceed against pr. and c. of Durham.*

Tenor autem commissionis est talis:

Antonius permissione divina Dunelmensis episcopus venerabilibus et discretis viris magistris Johanni de Lascy, cancellario ecclesie Cicestresensis (*sic*), et Roberto de Albervyk, decano ecclesie nostre de Aukland, salutem cum benediccione et gracia salvatoris. Ad pro-

cedendum, discuciendum, statuendum, privandum et amovendum a dignitatibus, personatibus, administracionibus et officiis, penas canonicas inponendum, et eas iuxta iuris exigenciam adgravandum, excommunicacionesque debitas fieri faciendum contra Ricardum priorem ecclesie nostre Dunelmensis et eiusdem loci subpriorem, tercium priorem, sacristam, precentorem, terrarium, celerarium, hostilarium, camerarium, bursarium, granatarium, refectorarium, fratresque Johannem de Castro Bernardi, Galfridum Burdon, et Robertum de Routhebery, commonachos dicte domus, quos ob eorum contumacias, contemptus, rebelliones, et inobediencias manifestas, transgressiones eciam canonum, iurium et libertatum dicte ecclesie nostre violaciones in excommunicacionum sentencias per nos latas pronunciamus et declaramus incidisse, et nichilominus monicione canonica premissa pro suis commissis excommunicavimus ac excommunicatos ipsos esse pronunciavimus iusticia suadente; necnon contra conventum prefate ecclesie nostre Dunelmensis ac religiosos viros priorem de Fynkall, de sacra Insula, de Lythum et de Stamford, ac magistros seu custodes de Jarow et de Wermouth, eorumdemque prioratuum et locorum commonachos officium vel administracionem optinentes, quos similiter ob causas premissas manifestas pronunciavimus contumaces, penas eis infligendas nobis ac nostris commissariis pro nostre voluntatis arbitrio reservantes; necnon ad decernendum et statuendum tam super periuriis per dictum Ricardum priorem quam super aliis delictis, criminibus et excessibus per ipsum et alios dicte domus monachos notorie coram nobis commissis ac eciam ad faciendum privaciones et amociones a dignitatibus, personatibus, administracionibus et officiis, ac provisiones et assignaciones administracionum et officiorum, et ad omnia et singula facienda que ad dicte ecclesie nostre utilitatem et ipsius ecclesie status reformacionem pertinere possint, vobis coniunctim vices nostras committimus cum cohercionis canonice potestate. Dat' apud Dunelmum die Sabbati proxima post festum ascencionis domini, anno consecracionis nostre XVII^{mo}.

(Registered: Durham, Reg. III, f. 84.)

70. *21 May 1300. Durham. Instrument of judgment by bp's. commissaries on pr. and c. of Durham.*

In nomine domini amen. Anno domini Millesimo tricentesimo,

indiccione terciadecima, duodecimo kal' Junii, in presencia mei Ade notarii publici infrascripti et testium subscriptorum viri venerabiles et discreti magister Johannes de Lascy, cancellarius ecclesie Cicestrensis et Robertus de Alberwyk', decanus ecclesie prebendalis de Aukland, reverendi patris domini Antonii dei gracia Dunelmensis episcopi commissarii ad infrascripta specialiter ab eo deputati, prout in commissione ipsius patris eis facta in hac parte plenius poterit apparere, in ecclesia Cathedrali Dunelmensi pro tribunali sedentes: cum constaret eis religiosos viros priorem et conventum seu capitulum ecclesie Dunelmensis prefate ad dictos diem et locum continuando processum visitacionis dicti patris inchoatum die proxima precedente peremptorie fuisse et esse citatos et penam canonicam pro delictis notorie coram ipso patre commissis recepturos, necnon sentenciam seu pronunciacionem dicti patris vel suorum commissariorum unius vel plurium super premissis audituros ac iuri parituros ulteriusque facturos et recepturos quod incumbit, prout in quodam instrumento publico manu mei Ade notarii publici infrascripti confecto super hoc plenius continetur, contra ipsos religiosos voce preconia pluries preconizatos minime comparentes processerunt, processum dicti patris continuando, ac eciam pronunciarunt in scriptis sub hac forma:

In dei nomine amen. Cum reverendus pater dominus Antonius dei gracia episcopus Dunelmensis ecclesiam suam Dunelmensem et suum ipsius ecclesie capitulum tam in capite quam in membris ex officio et ordinario iure intendens visitare ac reformare et corrigere que fuerunt corrigenda et eciam reformanda, certum diem, videlicet in crastino ascensionis domini, anno eiusdem Millesimo tricentesimo, scilicet terciodecimo kal' Junii, ad suam exercendam visitacionem predictam in capitulo Dunelmensi cum continuacione et prorogacione dierum statuit et assignavit, Ricardo priori et eiusdem ecclesie conventui literatorie mandando in virtute obediencie qua eidem patri indubitanter essent astricti, omnes et singulos iuxta formam citacionis eosdem nichilominus peremptorio citando, quod dictis die et loco sibi in forma debita occurrerent ac visitacioni sue secum personaliter interessent, visitacionem huiusmodi in forma canonica subire et suscipere tunc parati et actualiter suscepturi, mandans insuper dicto priori quod citaret seu citari faceret priores de Fynkall et Insula sacra, de Stamford et de Lythum, ac magistros seu custodes

de Jarow et de Wermouth, aliosque commonachos in locis singularibus commorantes quod dictis die et loco coram ipso comparerent in forma supradictis priori et conventui ecclesie sue Dunelmensis expressa superius eciam et assignata; qui moniciones, mandata et citaciones huiusmodi acceptarunt prout ex literis certificatoriis eorumdem plenius poterit apparere: cumque dictus reverendus pater inchoato per eum dicte visitacionis sue officio ex causis legitimis prepeditus procedere ulterius ea vice in eadem personaliter non valeret, nobis[1] Johanni de Lascy, cancellario ecclesie Cicestrensis, et Roberto, decano de Aukland, Dunelmensis diocesis, vices suas sub certa forma commisit, prout in literis commissionis huiusmodi nobis[1] inde factis plenius continetur: nos ergo huiusmodi mandatum recipientes et in huiusmodi negocio nobis commisso legitime ex manifesto et notorio et per viam manifesti et notorii procedentes, quia rimatis rimandis, consideratis considerandis et ponderatis ponderandis, per viam antedictam invenimus predictum Ricardum priorem manifeste et notorie obedienciam et votum obediencie notorie infregisse, periurum, religionis sue contemptorem, canonum transgressorem, ordinis sui prevaricatorem, ab observancia et effectu sue religionis et discipline regularis exorbitantem, iurium et libertatum ecclesie Dunelmensis, cui per iuramentum est astrictus, notorium et manifestum violatorem. In nomine patris et filii et spiritus sancti amen. Eundem Ricardum priorem, ipsius absencia dei repleta presencia, auctoritate dicti domini episcopi Dunelmensis qua fungimur in hac parte dicto prioratu ecclesie predicte Dunelmensis cum omnibus proventibus, obvencionibus et iuribus et pertinenciis suis in hiis scriptis sentencialiter et diffinitive privamus et privatum esse declaramus et a regimine prioratus ac administracione temporalium et spiritualium eiusdem amovemus, omnes et singulos monachos capituli Dunelmensis ibi vel alibi ubicumque commorantes ab ipsius obediencia penitus absolventes. Inhibemus eciam eisdem sub pena excommunicacionis ne eidem Ricardo ut Priori in aliquo obediant vel intendant. Thomam de Novo Castro subpriorem, Galfridum de Burdon[2] sacristam, Ricardum de Kellawe[3] tercium priorem, Thomam de Aldewod camerarium, Johannem de Seleby hostilarium,

[1] *vobis* in MS.
[2] *Rectius* Radulpho de Mordon (Durham, Misc. Charter 5523 (22).)
[3] *Werellaue* in MS.

Johannem de Wlveston seniorem granatarium, Rogerum de Stanhope celerarium, Willelmum de Daltone refectorarium, Walterum de Egisclive[1] precentorem et Robertum de Routhbery custodem sigilli, quos prefatus reverendus pater in crastino ascensionis domini anno domini Millesimo tricentesimo in capitulo Dunelmensi excommunicavit in scriptis propter eorum contemptum et contumaciam manifestam, ipsos et eorum quemlibet ab officiis et eorum administracione in hiis scriptis ammovemus. Johannem de Castro Bernardi, Galfridum de Castro[2] et Nicholaum de Routhbery, Johannem de Appelby, Johannem de Wolvestone iuniorem et Ricardum de Brunton,[3] quos reverendus pater dictus episcopus Dunelmensis in crastino ascensionis domini, anno ut supra, pronunciavit contumaces, penam eis infligendam sibi vel commissariis suis reservando, qui in dicta contumacia adhuc animo persistunt indurato, in hiis scriptis excommunicamus et excommunicatos publice nunciamus auctoritate dicti domini episcopi.

Conventum eciam Dunelmensem, priores de sacra Insula, de Fynkall, de Stamford et de Lythum, ac magistros et custodes de Jarow et de Wermouth et alios administratores locorum eorumdem commonachos usque in diem Lune proximam post ascensionem domini decreverunt dicti commissarii fore expectandos, quo die compareant coram venerabili patre domino episcopo Dunelmensi ubicumque tunc fuerit in sua diocesi, penam condignam pro suis demeritis in forma iuris recepturi ulteriusque facturi et recepturi quod ius dictabit. Actum in ecclesia cathedrali Dunelmensi, anno, indiccione, die et mense predictis; presentibus discretis viris magistris Willelmo, archidiacono Dunelmensi, Reginaldo de Brandon, canonico sancti Pauli, London', Ricardo de Morpath, Henrico de Luceby, clericis, et aliis testibus ad hoc vocatis et rogatis.

(Registered: Durham, Reg. III, ff. 84v.-5.)

71. *20 June 1300. Evenwood. Award made by Edward I between bp. and pr. and c. of Durham concerning visitation.*

In nomine domini amen. Inter venerabilem patrem Antonium dei gracia episcopum Dunolmensem ex parte una et religiosos viros . . Priorem et Conventum eiusdem loci ex altera super modo

[1] *Egisluue* in MS. [2] *Rectius* Burdon. [3] *Runcton* in MS.

et forma visitacionis quam idem episcopus auctoritate ordinaria petebat ab eis suscitata materia questionis, tandem mediante magnifico principe domino E[dwardo] dei gracia rege Anglie illustri ac ipsius diligencia et studio procurante, dicte partes in formam pacis que sequitur concordarunt: videlicet quod in primis animorum motus, indignaciones, malivolencie et rancores hinc inde penitus remittantur, excommunicacionum, privacionum, ammocionum et alie quevis sentencie per dictum episcopum seu commissarios suos contra predictos priorem et conventum prolate, processus facti et habiti et gravamina subsecuta retractentur et penitus revocentur, provocacionibus et appellacionibus per dictas partes interpositis renuncietur et renunciaciones fieri debent expresse; statu prefati prioris, obedienciariorum, monachorum et aliarum omnium personarum sibi et suis adherencium et que ad ipsos quoquomodo pertinent semper salvo et integro permanente. Et monachi eciam que parti prefati episcopi adherebant reconcilientur et reconciliari debent priori et conventui antedictis, ita quod dicta de causa per eosdem priorem et conventum non molestentur in aliquo seu graventur: super quo fiat et fieri debet securitas que sufficiens videatur. Hiis autem in omnibus et singulis suis articulis debito modo factis atque completis, ac in statu quo ante visitacionem petitam fuerant positis et redactis, tunc demum prefatus episcopus quando sibi placuerit et visum fuerit expediens, ex officio suo ad visitacionem huiusmodi faciendam procedat, ad quam a prelibatis priore et conventu cum tribus vel quatuor clericis ista vice videlicet humiliter et cum qua decet reverencia admittatur. Premissis igitur in presencia predictorum Regis, Episcopi, Prioris, et quamplurium monachorum ex utraque parte existencium tunc ibidem verbotenus recitatis et dictis, tam idem episcopus quam prior et monachi memorati ea laudarunt, approbarunt et eciam acceptarunt ac extunc interveniente pacis osculo ipse partes facte sunt unanimes et concordes, omnia et singula que superius sunt expressa servare, facere et complere firmiter promittentes. In quorum omnium testimonium de premissis facta sunt tria publica instrumenta tenoris consimilis, quorum unum penes prefatum dominum Regem residet, aliud vero pro dicto episcopo est confectum, quod habere poterit cum voluerit et illud duxerit requirendum, tercium quoque penes priorem et conventum residet antedictos. Act' anno a nativitate domini Millesimo CCC, indic-

cione decima tercia, undecimo die exeunte mense Junio, presentibus venerabilibus viris magistris J[ohanne] de Craucumbe, archidiacono Estriding' in ecclesia Eboracensi, W[illelmo] de sancto Botulpho, archidiacono Dunolmensi et nobili viro domino O[ttone] de Grandisono, milite, A[da] de Driffeld, fratre Waltero de Wymterburn' et nonnullis aliis testibus ad hoc vocatis specialiter et rogatis apud Evenewode in diocesi Dunolmensi.

Et ego Johannes Erturi de Cadomo apostolice sedis auctoritate notarius publicus premissis omnibus interfui, propria manu scripsi et de mandato prefati domini Regis ad evidenciam plenariam predictorum ea mei signi annotacione in hanc publicam formam redegi.

(Original exemplification by mr. Helias de Couton, notary: Durham, 1a. 9e. Pont. 2. Copy: Cart. I, ff. 122v.-3v. French version: PRO., Coram Rege Roll, Mich. 28 Edw. I, m. 63.)

72. *10 Aug. 1300. Bp. Auckland. Instrument of provision by bp. of bro. Henry de Luceby to priorate of Durham.*

In nomine domini amen. Anno eiusdem Millesimo CCC°, indiccione terciadecima, quarto idus Augusti, venerabilis pater dominus Antonius dei gracia episcopus Dunelmensis in presencia mei notarii publici et testium subscriptorum, facta relacione quomodo prioratus ecclesie sue Dunelmensis tunc vacavit ac eciam qualiter de priore in dicto prioratu tunc vacante hac vice pertineat providere, ponens verba sua in scriptis redacta in ore magistri Ade de Driffeld, rectoris ecclesie Pontiseland' Dunelmensis diocesis sui cancellarii tunc presentis, quem ad hec constituit organum sue vocis, de fratre Henrico de Luceby monacho eiusdem ecclesie sue Dunelmensis, tunc priore de sacra Insula, licet absente tamquam presente dicto prioratui ecclesie sue Dunelmensis providit ac ipsum prefecit in priorem, curam, regimen et administracionem dicti prioratus tam in spiritualibus quam in temporalibus sibi plenarie concedendo ac eciam committendo, decernens, huiusmodi provisionem, prefeccionem, cure, regiminis et administracionis concessionem et commissionem fore execucioni debite demandandas. Cuius provisionis ac prefeccionis pronunciacionem dictus magister Adam legit et publicavit in scriptis, vice, nomine et mandato dicti patris sub hac forma verborum:

In dei nomine amen. Cum ad nos Antonium permissione divina Dunelmensem episcopum de priore in prioratu ecclesie nostre Dunelmensis vacante hac vice pertineat exigente iusticia providere, attendentes quod frater Henricus de Luceby, monachus eiusdem ecclesie, nunc prior de Insula sacra, vita, sciencia et moribus merito commendandus, in regulari disciplina laudabiliter est instructus et ad regimen conventus et capituli ecclesie nostre predicte potens et utilis, necnon in spiritualibus et temporalibus comprobatur providus et circumspectus, cuius eciam consilio ecclesia nostra dirigi poterit in dubiis et ipsius auxilio fulciri multipliciter in adversis, de eodem fratre Henrico, de quo Henrico plenam in domino fiduciam optinemus, dicto prioratui ecclesie nostre providemus ac ipsum preficimus in priorem, curam, regimen et administracionem dicti prioratus tam in spiritualibus quam in temporalibus sibi plenarie concedentes ac eciam committentes, decernentes provisionem, prefeccionem, cure, regiminis et administracionis concessionem et commissionem fore execucioni debite demandandas.

Dictus quoque pater, Dunelmensis episcopus, potestatem ac eciam facultatem ammovendi quos viderit ammovendos de promotis ad officia seu administraciones, per se aut vice et auctoritate sua, et alios loco eorum subrogandi locis et temporibus oportunis sibi specialiter reservavit.

Facte, lecte et recitate fuerunt supradicte provisio, prefeccio, cure, regiminis et administracionis concessio et commissio ac reservacio in capella in manerio dicti patris apud Aukland' anno, indiccione, die et mense supradictis, presentibus discretis viris magistris Willelmo de sancto Botulpho, archidiacono Dunelmensi, Reginaldo de Brandon, canonico ecclesie sancti Pauli, London', Roberto de Abberwyk, decano de Aukland; domino Willelmo de Bliburgh',[1] canonico Aukland', Willelmo de Insula, custode hospitalis de Shirburn; magistris Philippo Martel, Willelmo de Fotheringhay,[2] advocatis, Ricardo de Ganio, notario publico et aliis testibus in multitudine numerosa.

Et ego Adam filius Ade Suayny (*sic*) de Boterwyk,[3] dictus de Lyndeseya, Lincolniensis diocesis, apostolica et imperiali auctoritate notarius publicus . . .

Et ego Ricardus natus quondam Henrici de Ganeyo, clericus

[1] *Bliburguth'* in MS. [2] *Fiderynwgrave* in MS. [3] *Boteruyliy* in MS.

Conventrensis et Lichefeldensis diocesis, sacri Romani imperii auctoritate notarius publicus, premissis relacioni, provisioni, prefeccioni, concessioni, commissioni, decreto et reservacioni et aliis suprascriptis manu suprascripti Ade dicti de Lyndeseya, notarii publici . . . presens interfui . . . et me in testimonium premissorum subscripsi ac rogatus signum meum apposui consuetum.

(Registered: Durham, Reg. III, f. 85r.-v.)

73. *2 Oct. 1300. Wheel Hall, Yorks. Instrument exemplifying instrument of resignation of pr. Hoton.*

In nomine domini amen. Anno eiusdem Millesimo Tricentesimo, indiccione quarta decima, secundo die Mensis Octobris, venerabilis pater dominus Antonius dei gracia Dunelmensis episcopus in camera manerii sui de Wilehald, Eboracensis diocesis, in mei notarii presencia et testium subscriptorum personaliter constitutus, quasdam literas renunciacionis et revocacionis fratris Ricardi de Hotton, quondam prioris ecclesie Dunelmensis, tribus sigillis, in cera viridi per caudas menbrane pendentibus et patenter signatas: quorum unum et primum erat rotundum et eiusdem fratris Ricardi, in cuius circumferencia erant sculpe (*sic*) hec litere, ✠ S' Ricardi de Hotton monachi Dunelmen'; in cuius medio erat capud cuiusdam presbiteri vel monachi cum corona rasa et barba prolixa et pilis barbe crispis: aliud vero sigillum erat oblongum et erat sigillum venerabilis patris domini Hugonis dei gracia Bibliensis episcopi, in cuius circumferencia erant sculpte hec litere, ✠ S' fratris Hugonis ep̄i biblien̄; et in eius medio erat ymago cuiusdam episcopi stantis cum mitra in capite et manu eius dextera erecta cum duobus digitis extensis quasi ad benedicendum et cum baculo pastorali in manu eius sinistra: tercium vero sigillum erat rotundum et venerabilis viri magistri Willelmi de sancto Botulpho, archidiaconi Dunelmensis, sigillum privatum, ut idem magister Willelmus mihi notario retulit viva voce, in cuius circumferencia erant sculpte hec litere, ✠ beati in xp̄o Morientes; in eiusque medio apparebat corpus hominis cuius caput erat detruncatum et caput eius iuxta corpus positum: non abolitas, non abrasas, non cancellatas neque in aliqua earum parte viciatas, omni carentes suspicione exhibuit et auctoritate sua ordinaria mihi notario publico infrascripto tradidit exemplandas seu eciam transcribendas; quarum literarum tenor talis est:

In nomine domini amen. In vestra presencia, reverende pater domine Antonie Dunelmensis episcope, constitutus ego frater Ricardus de Hottone quondam prior Dunelmensis, non vi vel metu inductus sed libera et spontanea voluntate, liberisque potitus habenis, renuncio in hiis scriptis pure, sponte, simpliciter et absolute omni iuri et iuris possessioni vel quasi, si quod vel que mihi competunt aut competere poterunt quomodolibet in prioratu predicte ecclesie Dunelmensis, omnibus eciam et singulis provocacionibus et appellacionibus earumque prosecucionibus, processibus, execucionibus et literis quibuscumque ac eciam beneficio, que nomine meo et sub nomine prioris et conventus Dunelmensis dum dicti prioratus fungebar officio et post a venerabili patre domino Antonio dei gracia Dunelmensi episcopo ad sedem apostolicam et Eboracensem directe vel tutorie interposite, facte et eciam impetrate fuerint aut contigerint impetrari occasione visitacionis eiusdem patris et modi visitandi ac alia occasione quacumque; et quicquid ad prosecucionem, promocionem vel impetracionem fratris Roberti de Routhbery, Galfridi de Burdon et Johannis de Appelby ac eciam magistri Alesandri de Ponsonby[1] aut aliorum quorumcumque asserencium se procuratores prioris et conventus Dunelmensis dum fungebar prioratus officio et post in Romana curia vel eciam Eboracensi aut alia quacumque seu quavis alia occasione factum, executum vel aliqualiter fuerit attemptatum, necnon mandata procuratoria dictis Roberto, Galfrido, Johanni et Alixandro nomine meo et sub nomine prioris et conventus ad causas seu negocia sub quacumque forma verborum concessa vel data, revoco et revocata seu nulla pocius et irrita esse volo. In quorum omnium testimonium sigillum venerabilis patris domini Hugonis dei gracia Bibliensis episcopi ac reverendi viri magistri Willelmi de sancto Botulpho, archidiaconi Dunelmensis, una cum sigillo meo appendi presentibus procuravi. Hiis testibus: fratre Reginaldo de Barnebui, Willelmo de Gyseburne, Roberto de Stamford, monachis Dunelmensibus; dominis Radulpho de Hengham', Willelmo de Brumeton; magistris Roberto de Albewyk',[2] decano de Aukland, Adam de Driffeld, rectore ecclesie de Gyseburne (*sic*), domino Thoma de Leuesham[3]; dominis Gerardo de Aldenardo,[4] Jacobo de Essendam, capellanis, ac eciam

[1] *Ponteceby* in MS.
[2] *Albeuueza* in MS.
[3] *Revesham* in MS.
[4] *Conderardo* in MS.

aliis clericis et laycis in multitudine numerosa. Dat' apud Aukland' die sancti Michaelis, anno domini Millesimo CCC.

Et ego Ricardus natus quondam Henrici de Ganio clericus Conventrensis (*sic*) et Lychfeldensis diocesis, . . . supradictas originales literas vidi, tenui et fideliter exemplavi, nichil addens vel minuens quod sensum mutet aut variet intellectum, precepto et mandato dicti patris Dunelmensis episcopi, suam auctoritatem interponentis; et decretum hocque exemplum ad ipsas originales literas [comparavi][1] una cum discretis viris domino Willelmo de Insula, custode hospitalis de Shirburne, Dunelmensis diocesis, magistris Adam de Driffeld, rectore ecclesie de Pontenceland, Johanne de Insula, iuris civilis professore, clericis, testibus ad premissa vocatis et rogatis. Et quia cum eisdem literis presens transcriptum concordari inveni, ideo predicta omnia rogatus in hanc publicam formam redegi, meumque signum apposui consuetum.

(Registered: Durham, Reg. III, f. 86r.-v.)

74. *2 Nov. 1300. Bp. Auckland. Confirmation by bp. to Robert de Brandon of lands by Stanhope.*

The bp. confirms to Robert de Brandon all lands and rents held by Peter de Brandon in the vill of Stanhope and in Rookhope (*Rochop*) by grant of bps. Walter [de Kirkham] and Robert [Stichill], to hold by him and his heirs in the same manner of the bp. and his successors as Peter earlier held; rendering the customary dues at the Durham exchequer at the usual terms. Witnesses: mr. William de St. Botulph, then steward of Durham; Brian son of Alan, John son of Marmaduke, Thomas de Whitheworth, Walter de Wessyngton and Hugh Burdon, knts.; William Pollard, Walter de Bermeton, Thomas le Chanceler, Richard Bernard, Henry Bernard, Hugh de Bicheburn, Aimeric de Kellawe, and others.

(Registered: Durham, Almoners' Little Cartulary, pp. 212-14.)

75. *29 Nov. 1300. Selby, Yorks. Concord between bp. and archbp. of York regulating disputes between the two Sees (bp's. version).*

Thomas [de Corbridge], archbp. of York and A. bp. of Durham having met at Stillingfleet (*Stivelingflet*) on 6 Nov., discussed means

[1] Omitted in MS.

of preventing certain appeals to the pope from the bp. or his commissaries and his adherents against the archbp. or his official, which might cause dissension between the two churches. Remembering the evils arising from suits during the time of archbps. William de Wykewane and John Romanus, as compared with earlier concord, they agreed to try to revert to the conditions of earlier times. They met the next day for further deliberation with their council and clerks, when the bp. agreed to put aside present discords and for the future, for himself and his successors, to be content with the state enjoyed by bps. of Durham before the time of archbp. Wickwane.[1] The bp. withdraws all appeals to the pope against Thomas, archbp. of York, his official of the court of York or his commissaries, and nullifies all citations, suits and sentences which might derive from these. Should any unprecedented case arise involving the bp. and archbp., their successors or their churches, the bp. agrees that this shall be resolved amicably between bp. and archbp. with their councils. If they should be unable to agree, the matter at issue shall be sent to the Roman Curia for speedy decision, which shall be accepted and observed by both parties. In the meantime nothing shall be attempted by either party. This agreement is not to be prejudicial to the status of the bp., his successors or their church as it existed in the time of archbp. Walter Giffard and his predecessors. The bp. promises to secure the assent of his chapter, but will observe the agreement during his life-time even without it. He renounces any letters prejudicial or public instruments contrary to this concord.

(*Reg. Corbridge* II, pp. 148-50. Copy: B.M., Lansdowne MS. 402, ff. 107v.-8v.)

76. *30 Nov. 1300. Riccall, Yorks. Grant by bp. of waste-land to chantry of Virgin in church of St. Andrew Auckland* (*cf. no. 60*).

Omnibus Christi fidelibus presens scriptum visuris . . . Antonius dei gracia Dunelmensis episcopus salutem. Noverit . . . nos . . . hac presenti carta nostra confirmasse ad promocionem et sustentacionem cantarie ad altare beate Marie virginis in ecclesia beati Andree de Aukland ad nostram collacionem spectantis domino Johanni de Wathynesfeld', capellano ad dictum altare divina cele-

[1] *Vide* no. 5 *supra*.

branti, et suis successoribus in dicta cantaria celebrantibus, viginti acras terre de vasto nostro in foresta nostra iacentes, videlicet ex parte australi vie que vocatur *Wlligate*, tendentes versus austrum usque rivulum qui vocatur *Dunespetheker*. Habendas . . . predictas viginti acras terre ad sustentacionem dicte cantarie capellano predicto et suis successoribus ibidem divina celebrantibus in liberam . . . elemosinam de nobis . . . libere . . . ab omni exactione seculari et demanda imperpetuum. Et ut hec nostra donacio, concessio et presentis carte confirmacio robur optineat perpetue firmitatis, presenti scripto sigillum nostrum fecimus apponi. Hiis testibus: magistris Willelmo de sancto Botulpho, archidiacono Dunelmensi, Adam de Driffeld, Alano de Esyngwold, clericis; Johanne de Henknoll, Waltero de Lutryngton, Waltero de Bermeton, Willelmo dicto Pollard, Thoma de Balne et aliis. Dat' apud Rikehall die sancti Andree anno consecracionis nostre septimodecimo.

(Conf. by pr. and c. of Durham, 19 August 1388, of conf. by bp. Fordham, 17 August 1388, by hand of William de Elmedon, his chancellor: Durham, Reg. II, ff. 298v.-9.)

77. 13 April 1301. Barnard Castle. Grant by bp. to Peter de Bolton of lands in West Auckland moor.

Omnibus sancte matris [ecclesie] filiis hoc presens scriptum visuris . . . Antonius permissione divina Dunolmensis episcopus salutem in domino sempiternam. Noverit . . . nos . . . hac presenti carta nostra confirmasse dilecto et fideli nostro Petro de Bolton pro homagio et servicio suo sexaginta acras terre de vasto nostro in mora de Westaukeland, videlicet inter altam viam que ducit de Evenwode versus Derlington ex una parte et moram de Helton Mundevyle ex altera parte: habendas . . . eidem Petro et heredibus suis de nobis . . . et ecclesia nostra Dunolmensis imperpetuum libere . . . una cum communi pastura in planis, pascuis, pratis et pasturis et cum omnibus aliis aisiamentis dicte terre pertinentibus. Reddendo inde annuatim nobis . . . ad scaccarium nostrum Dunolmi XXX^{ta} solidos argenti ad quatuor anni terminos . . . et faciendo tres sectas capitales Curie Dunolmi per annum et forinsecum servicium quantum pertinet ad quadragesimam partem feodi unius militis pro omnibus aliis serviciis, consuetudinibus, sectis

Curie et molendinorum, exaccionibus et demandis secularibus. Quare volumus et concedimus quod dictus Petrus et heredes sui habeant et teneant totam predictam terram cum omnibus suis pertinenciis libere, quiete, integre, solute, hereditarie, bene et in pace imperpetuum per servicium supradictum. In crt. . . . Hiis testibus: magistro Willelmo de sancto Botulpho, archidiacono Dunolmensi, Petro de Thoresby, clericis; dominis Ranulpho de Nevyle, Briano filio Alani, Radulpho filio Willelmi, Johanne filio Marmeduci, Gychardo de Charrun, Roberto de Lummeleye, Thoma de Wytteworth, militibus; Thoma Chaunceler, Rogero de Esse, Johanne de Hennecnoll, Petro de Crok, Johanne de Flete, Umfrido de Socburne, Thoma de Bermeton et aliis. Dat' apud Castrum Bernardi XIII° die mensis Aprilis, anno domini M°CCC° primo et consecracionis nostre XVIII°.

(Contemp. copy of conf. by pr. and c. of Durham, 20 Jan. 1309; Durham, Misc. Charter 7125*c*. Entered: Reg. I ii, f. 32v.)

78. *10 Nov. 1301. Bp. Auckland. Grant*[1] *by bp. to Roger de Esshe of lands* [*between the rivers Deerness and Browney*].

The bp. grants to Roger de Esshe for homage and service an enclosure of new waste, formerly held of bp. by Richard de Retford, to the north of the vill of Cornsay (*Cornesowe*), together with 17 a. of new waste, of which 12 a. lie adjacent to the enclosure to the west and north, 2 a. lie in *Brandunways* by *Midilwod'*, 1 a. lies by the land of Walter del Brom to the east of *Midelwod*, ½ a. lies at Ushaw (*Uuesshawe*), and 1½ a. lie to the north of Esh (*Esshe*). Roger, his heirs and assigns are to hold this land freely of the bp., his successors and the church of Durham. They may enclose the land and hold it in severalty throughout the year. They will render annually 16s. at the Durham exchequer at the usual four terms for all services. Roger's heirs will pay a relief of 2s. Witnesses: mr. William de St. Botulph, then bp's. steward of Durham, mr. Adam de Driffeld, Peter de Thoresby, Thomas de Leuesham, William de Insula, Wychard de Charron, Walter de Wessyngton, Walter de Routhebiry, Hugh de Scouland, John Skirlock, John de Birteley, William de Knicheley, and others. Given at *Aukeland* 4 Id. Nov., c.n. 18.

[1] Cf. no. 22 *supra*.

(Conf. of Edward II, 3 March 1312, on Patent Roll: CPR 1307-13, pp. 435-6; printed RPD IV, 100--1.)

79. *1 Dec. 1301. Durham. Indulgence granted by bp. to those visiting the altar of Holy Cross in Durham Cathedral or helping to maintain its lights.*

Universis sancte matris ecclesie filiis presentes literas visuris vel audituris, Antonius permissione divina Dunelmensis Episcopus salutem cum benediccione gracie salutaris. Cupientes per allectiva indulgenciarum munera mentes fidelium ad pietatis opera propensius excitare, de trinitatis dei fidedigna et miti misericordia, beate et gloriose virginis ac matris necnon gloriosi confessoris Cuthberti patroni nostri omniumque sanctorum meritis ac votivis suffragiis firmiter confidentes, ut altare sancte Crucis in ecclesia cathedrali gloriosissimi confessoris Cuthberti in Dunelm' de novo constructum congruis honoribus et crebris populorum accessibus frequentetur, omnibus parochianis nostris, et aliis quorum diocessani (*sic*) hanc nostram indulgenciam ratam habuerint, de peccatis suis vere contritis, penitentibus et confessis, qui dictum altare in festivitatibus sancte Crucis venerabiliter visitaverint et devote, vel ad luminaris eiusdem altaris sustentacionem aliquid de bonis sibi a deo collatis pie contulerint vel transmiserint, viginti dies de iniuncta sibi penitencia misericorditer relaxamus. In cuius rei testimonium presentes literas sigillo nostro fecimus communiri. Dat' Dunelmi kalend' Decembris pontificatus nostri anno decimo VIII.

(Original: Durham, Misc. Charter 1509.)

80. *31 Jan. 1302. York. Resignation by Ralph de Manton of rectory of Wooler to bp.*

Venerabili in Christo patri domino A. dei gracia Dunelmensi episcopo suus clericus Radulphus de Manton, Rector ecclesie de Wollouere, Dunolmensis diocesis, salutem et prosperos ad vota successus. Ecclesiam meam de Wollouere antedictam cum omnibus iuribus et pertinenciis suis in manus sancte paternitatis vestre pure, sponte et absolute ex nunc resigno per presentes. In crt. . . . Dat' apud Eboracum ultimo die Januarii anno domini M°CCC° primo et regni Regis Edwardi Tricesimo.

(Contemp. copy: PRO., Ancient Correspondence, xxx. 154.)

81. *14 Feb. 1302. Lateran, Rome. Citation from pope Boniface VIII for bp. to appear to answer charges made against him by the pr. and c. of Durham.*

Lately pr. Richard and the c. of Durham have petitioned the pope in the following sense. A. bp. of Durham had given notice of his intention of visiting them, and they, fearing the violation of their customary liberties, appealed (*provocarunt*) to the pope. Nevertheless the bp. entered the church with a crowd of laymen, clerks, and religious of other orders, and enjoined the pr. and c. to submit to visitation in their presence. The pr. and c. laid before the bp. their exception that when bps. of Durham visited the convent they were accustomed to enter unaccompanied. This they offered to prove, and declared that they were prepared to receive the bp. only if this form were preserved. When the bp. refused to admit this privilege they appealed to the pope, whereon the bp. excommunicated the prior, Thomas the subprior and Richard the third prior and various other obedientiaries; and the pr. and c. appealed to the pope again. The bp. cited the pr. and c. before him for the following day to hear sentence; when mr. Robert, dean of Auckland, and mr. John de Lascy, clerk, as bp's. commissaries, unjustly deprived the pr. and other monks of their offices and provided others to their positions, except that of prior; whereupon the pr. and c. appealed again to the pope and to the archbp. of York for protection. Nevertheless the bp. sequestered all goods of the pr. and c., deputing his own keepers and forbidding these to answer in any way to the pr. and c. He also confined the pr. and monks in their convent, prevented entry of food, broke down their water conduit, smashed their millstones and leats, and imprisoned their lay servants, thus trying to put an end to any obedience to the prior. Meanwhile the official of York accepted their appeals and decreed that pending the suit nothing should be done to their prejudice: but the bp. forbade any of his subjects (*subditis*) to accept any letters from the archbp. or court of York under pain of privation for clerks and perpetual banishment for laity. The bp. not only disregarded the order of the archbp. to attempt nothing prejudicial while the case was pending, but also summoned before him certain monks of the house [of Durham], conspirators, and induced them to elect another prior. When these could not agree the bp. appointed Henry de Luceby, a pseudo-monk

of the house, to be prior "de facto", and, the pr. and monks being powerless to resist, he entered the cloister by armed force, having broken the doors. The pr. and certain of the chapter fled to their stalls in the church, where they remained for three days without food or drink. On hearing this, the archbp. ordered the bp. to restore things to their former state and to do nothing while the appeals were pending. But the bp. declared that: "*nec pro papa, nec pro rege, nec eciam pro archiepiscopo vel aliquo alio dimitteret quin in hac parte suum propositum adimpleret.*" For this disobedience the bp. and Luceby were excommunicated by the archbp., yet the bp. sacrilegiously imprisoned the prior and John *de Castrobernardi* and Hugh Mohaut, monks, who are said to be still detained. Other monks were forced by hunger, thirst and fear to proffer manual obedience to Luceby. Finally the bp. attempted to visit the house with four of his clerks[1] and tried to persuade the monks to renounce their earlier appeals and to admit him; but they, remembering their imprisoned prior, made further appeals. Luceby however had possession of the convent's seal, which he used freely.

For these and other injuries inflicted by the bp. and Luceby the pr. and c. complained to the pope; the bp's. actions were not only detrimental to the church [of Durham] but also in contempt of the papal see, since much had been done while appeals to Rome were pending. The pope, wishing to remedy the afflictions of pr. and c., instructed the bp. to release and restore the pr. and to allow him to appear personally before the pope to present his case. Both bp. and Luceby were also cited peremptorily to appear personally within three months from receipt of the citation, to hear judgment.[2] Nevertheless the bp. failed to appear before the pope but sent a Henry de Luceby, his proctor, whose excuses were pronounced frivolous by the pope. Since the bp. was contumacious the pope herewith denounces him as suspended from episcopal office. As however he may wish to explain himself, the pope orders him under pain of deprivation to appear personally before him within six months from the present date, to receive judgment or show his innocence. Henry

[1] Cf. terms of Evenwood agreement, no. 71 *supra*.

[2] This citation, dated 3 Dec., 1300, is printed *in extenso* in *Reg. Boniface VIII*, II no. 3741, cols. 807-11; also in Wilkins, *Concilia II*, 267-9, from Reg. Winchelsey. Exemplification by mr. Andrew de Tange, notary: Durham, Loc. 7, no. 85.

de Luceby and Adam de Driffeld who claim to be his proctors at Rome in this matter are ordered to leave the Curia within two days and to travel as fast as possible to notify the bp. So that the bp. may not allege that he knew nothing of this process, the pope orders these letters to be read in public audience, which is to be considered as effective a notification as if the bp. had heard them personally.

(*Reg. Boniface VIII,* III, no. 4458, cols. 361-5. Original notarial transcript: Durham, 2a.8e. Pont.1, f.)

82. *22 June 1301/1 July 1302. Proceedings before king's council and parliament resulting in forfeiture by bp. of the liberty of bpric. of Durham.*

On 22 June 1301 A. bp. of Durham was arraigned in the king's presence before the chancellor [William de Greenfield], Roger le Brabanzon, William de Bereford, and William Howard, justices, the archd. of Richmond [Gerard de Wyspains] and others in the chapter-house of the monks at Tynemouth on the charge that, whereas the king had taken the pr. of Durham, his men, lands, etc. under his protection, the bp. and Philip Darcy, keeper (*custos*) of Durham castle, had seized William de Brometoft, a prior's man, at the very time he was exhibiting the royal letter of protection before the bp's. justices, William de Brumpton, Gwychard de Charon and Peter de Thoresby, in Durham castle on 15 March, and were still holding him imprisoned on 21 June by reason of this exhibition.

The bp. disavowed the imprisonment since he had not authorised it. He alleged that Brometoft was in prison when he had reached Durham and on enquiry Darcy, the constable, had stated that he was held for various trespasses, including striking the bp's. men and removing goods from Durham priory. The bp. on learning that he was held for displaying the royal protection had ordered his release on manucaption, which Brometoft refused. The bp. admitted detaining him for a month after the true cause of imprisonment was known, and placed himself at the king's good pleasure. The king thereon postponed decision till next parliament. The bp. was ordered to release Brometoft without manucaption and royal justices were sent to see this performed and to notify the latter to appear at the next parliament to give evidence. This release was made the next day.

Thereafter on 1 July 1302 William de Brometoft appeared in parliament (at Westminster) and sought judgment on his imprisonment by the bp. and his officers in Durham castle despite the fact that he had come into the franchise of Durham with a royal protection, to the contempt of the king and the injury of himself. As the bp. did not appear on summons, Brometoft craved judgment in his default; whereon John de Cestre who prosecuted for the king testified that the bp. had been given this day to appear to answer for his trespass. It was beyond doubt that he had imprisoned Brometoft in virtue of the regalian liberty which he claimed in his bpric.; and since he would not come to answer the king for this imprisonment and to justify his regalian liberty, his franchise should be seized and remain in the king's hand; wherefore he sought judgment. It was considered that since the bp. held regalian liberties, for the exercise of these he must be regarded as a king's officer (*minister*) and an executor of royal mandates, just as other magnates within the realm holding franchises. These liberties arise from royal grants, yet the crown is an integral whole, and therefore the liberties are inferior to the crown. Officers and bailiffs of the bp. by reason of the liberty presumed to imprison Brometoft for displaying a royal protection within the liberty, and the bp. had not appeared in court to hear judgment. The bp. had been disobedient, imprisoning by virtue of his regalian liberty where he should have obeyed; and he should be punished in that wherein he offended. Judgment therefore was that the liberty should be seized into the king's hand and Brometoft should recover against the bp. damages, assessed by the justices at £20. The bp. should be seized for the imprisonment and his contempt etc.

(PRO., Coram Rege Roll, Trinity, 29 Edw. I, m. 57d.; printed *Parl. Writs*, I, 108-9.)

83. *23 July 1302. Anagni. Ordinance of Boniface VIII regulating the procedure of bps. of Durham visiting their chapter.*

Obedience is owed to superiors even when they are correcting faults; while correction should be mingled with kindness. When lately A. bp. of Durham came to visit his chapter, of the Benedictine order, the pr. and c. claimed as immemorial custom of the church that the bp. should enter alone, without any other religious, clerks

or laity whatsoever; and that he should take a monk of that chapter to act as his notary. They petitioned the bp. to remove all clergy and laity from the chapter-house before commencing visitation, when they would be ready to admit him. When the bp. would not accept this, protesting that he was prepared to dismiss all save three or four clerks and a notary, the pr. and c. appealed to the pope. Having pondered the arguments of both parties Boniface VIII considers that the said custom is contrary to common utility, since it tends to restrict discovery of the truth, and it had been decreed in general council that there should be witnesses: a notary or two other suitable men. As for monks, their very profession, which debarred them from appearing in legal actions, as is declared in the *constitutio novella*, except in cases of heresy, made them unfitted as notaries, while they were not suitable to write corrections for the pr. and c. to whom they were subservient. In view of the fact also that it detracted from the dignity of the bp. to be wholly deprived of companions when visiting possibly suspect persons the pope declares the custom unreasonable. In its place, to prevent the bp. becoming burdensome, the pope decrees that henceforth when the bp. comes to make a visitation he shall be accompanied in the act by two or three honest clerks, one at least being a Benedictine, together with a notary: notwithstanding any custom or agreement to the contrary.

(*Reg. Boniface VIII,* III, no. 4730, cols. 514-5; cf. *Corpus Iuris Canonici, Extravag. Commun.*, I, 7, 1, ed. Friedberg, cols. 1243-4. Copies: Durham, Cart. I f. 17v.; Cart. III f. 186.)

84. *20 June 1303. Greatham. Notarial authentication of process of appropriation by bp. of Greatham church to Greatham hospital.*

Antonius permissione divina Dunolmensis episcopus universis sancte matris ecclesie filiis ad quos presentes littere pervenerint salutem in domino sempiternam. Opus meritorium et salubre nos aggredi connicimus et speramus dum que per predecessores nostros ad salutem animarum ac pauperum et oppressorum sublevamen felici premeditatione suis temporibus disposita sunt et inchoata ad esse optatum ducere fineque debito perficere studiosius officii nostri debito laboramus. Sane bone memorie Roberto de Stychehill' predecessore nostro de consensu Capituli ecclesie nostre Dunolmensis Hospitale de Gretham nostre diocesis in honore dei et beate Marie ac gloriosissimi

patroni nostri sancti Cuthberti pia mente dum vixit fundante, magistro et fratribus deo ibidem tunc servientibus et imperpetuum servituris ad sustentacionem eorumdem ac pauperum et egenorum inibi confluencium totum manerium suum de Gretham dicte diocesis cum suis pertinenciis una cum advocacione ecclesie eiusdem manerii in liberam, puram et perpetuam elemosinam intuitu caritatis dedit et concessit; ipsamque ecclesiam de Gretham post cessionem vel decessum magistri Mauricii qui tunc ipsam tenuit ad hospitalitatem commodius sustinendam eisdem magistro et fratribus pro sua et dictorum pauperum usque ad certum numerum per eundem predecessorem nostrum provida deliberacione statutum et ordinatum sustentacione, auctoritate pontificali, consensu capituli ecclesie Dunolmensis et confirmacione eiusdem ad id accedentibus, in proprios usus concessit convertendam, prout in carta eiusdem predecessoris nostri, auctoritate et consensu dicti Capituli nostri confirmata, et eiusdem predecessoris nostri ordinacione super hiis confectis inspeximus plenius contineri. Cum igitur dicta ecclesia de Gretham dudum per mortem prefati magistri Mauricii vacaverit ac iam per liberam resignacionem domini Ricardi de Toppeclyve, nuper rectoris eiusdem ecclesie ad presentacionem domini Thome de Leuesham magistri et fratrum hospitalis predicti de eodem domino Ricardo nobis canonice factam ad eandem per nos instituti et admissi, qui dicte ecclesie et iuri quod in ea habuit vel aliquo modo habere potuit, ut tam pia predecessoris nostri voluntas effectui debito mancipetur, renunciavit et in manus nostras resignavit eandem, iterato vacet in presenti; cuius renunciacionis ac resignacionis tenor talis est:

In dei nomine amen. Constitutus in presencia vestra reverende pater domine Antonie dei gracia Dunelmensis Episcope ego Ricardus de Toppeclyve sacerdos, rector ecclesie de Gretham vestre diocesis, per vos alias admissus et institutus in eadem ad presentacionem discreti viri domini Thome de Leuesham magistri et fratrum hospitalis de Gretham verorum eiusdem ecclesie patronorum, prospiciens veraciter et intelligens quod bone memorie Robertus de Stychehill' quondam Dunelmensis episcopus ecclesiam de Gretham predictam, cedente vel decedente magistro Mauricio clerico, qui tunc ipsam tenuit, de consensu capituli ecclesie Dunolmensis magistro et fratribus hospitalis de Gretham pro hospitalitate inibi commodius sustinenda in proprios usus concessit convertendam: nolens tam

pium patris propositum ad tantum bonum dispositum impedire, omni iuri quod in dicta ecclesia ex presentacione seu institucione predictis aliove modo quocumque habeo vel habere potero, habui vel habere potui, renuncio; ipsamque ecclesiam et omne ius quod in ea habere potero vel potui in vestras manus reverendas pure sponte libere simpliciter et absolute resigno per presentes: volens quantum in me est et consenciens per hec scripta quod dicta ecclesia ordinacione paternitatis vestre provida dictis magistro et fratribus in proprios usus perpetuo possidenda conferatur.

Cupientes igitur Christi misterium et ipsius ministrorum numerum in dicto hospitali ad eius laudem et honorem augmentari, prout in ordinacione super numero capellanorum et clericorum in dicto hospitali deo perpetuo serviendorum ampliando per nos facienda plenius volumus contineri[1]; advertentes eciam quod ex hoc non decrescit set accrescit in ecclesia dei Christi famulatus, ad quod ex debito cure pastoralis astringimur et tenemur; dignumque esse iudicantes ut qui ecclesie deserviunt de ecclesie proventibus foveantur[2]; nos pium animi predecessoris nostri propositum quem in hac parte gessit mentis oculis intuentes, que in honorem dei et gloriose matris eius ac reverentissimi patroni nostri beati Cuthberti per ipsum predecessorem nostrum tam pie tam laudabiliter gesta sunt ac disposita perficere ac implere volentes: In nomine Patris et Filii et Spiritus Sancti amen. Memoratam ecclesiam parochialem de Gretham ut predicitur vacantem cum omnibus iuribus, redditibus, fructibus, proventibus, exitibus ac aliis suis pertinenciis universis de expresso consensu magistri et fratrum hospitalis predicti, verorum patronorum ecclesie prelibate, ac eciam prefati domini Ricardi nuperimi rectoris eiusdem prefatis magistro et fratribus ac hospitali predicto pro ipsorum sustentacionis competentis exhibicione perpetua, ut secundum formam et tenorem ac modum ordinacionis prefati predecessoris nostri super hiis edite ac ordinacionis nostre subsequenter super hiis faciende divinis insistant obsequiis, assignamus, appropriamus, unimus et annectimus per presentes in usus proprios perpetuo possidendam; reservata nobis potestate perpetuam inibi vicariam ordinandi et eidem in certis dicte ecclesie proventibus certam porcionem taxandi pro ipsius ecclesie cura continue peragenda ac aliis eiusdem vicarie oneribus congrue supportandis: ita

[1] *Vide* no. 85 *infra*. [2] Cf. I Cor. 9.13.

scilicet quod magister et fratres predicti qui pro tempore fuerint ad dictam vicariam nunc et alias cum vacaverit infra tempus legitimum nobis et successoribus nostris presentent personam ydoneam et honestam per nos in eadem instituendam, auctoritate diocesana in omnibus semper salva. In quorum omnium testimonium presens instrumentum publicum per Ricardum de Ganyo clericum, notarium nostrum infrascriptum, scribi fecimus et publicari, nostrique sigilli appensione muniri. Acta et data apud Gretham vicesimo die mensis Junii anno domini Millesimo CCC° tercio, indiccione prima: presentibus venerabili patre fratre Hugone dei gracia episcopo Bibliensi; dominis Rogero de Waltham, canonico ecclesie prebendialis de Derlington, Ricardo de Haneden, perpetuo vicario ecclesie de Heyhyngton, Thoma de Cantuaria, capellanis; dominis Hugone de Paunton et Achibaldo (*sic*) de Breton, militibus; Willelmo de Ergum et aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Ricardus natus quondam Henrici de Ganyo, clericus Coventrensis et Lichefeldensis diocesis, sacri Romani imperii auctoritate notarius publicus, predicta omnia de mandato venerabilis patris domini Antonii dei gracia Dunolmensis episcopi supradicti scripsi. . . .

(Conf. of pr. and c. of Durham, 27 Oct. 1308: Durham, Reg. I ii, ff. 34v.-5.)

85. *c. 20 June 1303. Supplement by bp. to ordinances of bp. Stichill for Greatham hospital.*

Universis sancte matris ecclesie filiis ad quos presentes littere pervenerint, Antonius permissione divina Dunelmensis episcopus salutem in domino sempiternam. Pium ac laudabile predecessoris nostri propositum imitati, ecclesiam parochialem de Gretham nostre diocesis cum suis pertinenciis omnibus magistro et fratribus hospitalis de Gretham ac eidem hospitali, quod idem predecessor noster fundavit atque dotavit, assignavimus, appropriavimus et concessimus non est diu in proprios usus perpetuo possidendam, potestate ordinandi numerum capellanorum et clericorum ampliorem in dicto hospitali deo serviturorum nobis reservata, prout in nostre appropriacionis litteris plenius continetur. Advertentes itaque ordinacionem predecessoris nostri prefati in fundacione dicti hospitalis super numero capellanorum et clericorum in ipso hospitali deo perpetuo servien-

dorum, scilicet quod sint ibi unus magister et presbiter ac alii quinque capellani et duo clerici litterature competentis deo perpetuo servientes, et quod in eodem hospitali sint XL pauperes de maneriis Dunelmensis episcopi magis indigentes de bonis eiusdem hospitalis perpetuo sustendandi, provida deliberacione ac racionabiliter factam extitisse, prout in litteris ordinacionis dicti predecessoris nostri vidimus plenius contineri, eidem non intendimus aliqualiter derogare, set ipsam inviolabiliter observari statuimus et decrevimus per presentes, eidem ordinacioni adicientes de consensu et voluntate magistri et fratrum hospitalis predicti: In nomine Patri et Filii et Spiritus Sancti amen. Statuimus et ordinamus serie presencium et tenore quod preter numerum capellanorum et clericorum predictorum sint in dicto hospitali unus capellanus et unus clericus ydoneus et conversacionis honeste, deo ibidem una cum aliis capellanis et clericis sumptubus (*sic*) eiusdem hospitalis secundum ordinacionem modum vitam et regulam per dictum predecessorem nostrum in dicta sua ordinacione traditas perpetuo servituri: volentes exnunc et decernentes quod tam hec nostra quam supradicta predecessoris nostri ordinacio, necnon et regula per eundem predecessorem nostrum dictis magistro et fratribus ac pauperibus data et tradita, que penes ipsos magistrum et fratres sub sigillo eiusdem predecessoris nostri resident consignate, in omnibus et per omnia robur perpetue optineant firmitatis, auctoritate diocesana semper salva. In cuius rei testimonium etc.

(Copy: Durham, Reg. II, f. 30v.)

86. *25 June 1303. Bp. Auckland. Grant by bp. to Nicholas de Merley of land in Cleadon moor.*

Omnibus hoc scriptum visuris vel audituris Antonius permissione divina Dunelmensis Episcopus salutem . . . Noveritis nos concessisse . . . Nicholao de Merley unam acram terre cum pertinenciis de vasto nostro approwato in mora nostra de Clyvedon' habendam . . . de nobis et successoribus nostris libere . . . imperpetuum; reddendo inde annuatim nobis . . . unam rosam ad nativitatem sancti Johannis Baptiste pro omnibus serviciis, exaccionibus et demandis. In crt. . . . Hiis testibus: dominis Waltero de Wessyngton, Thoma de Whitworth, militibus; et aliis. Dat' apud Aukland in crastino sancti Johannis Baptiste, anno regni regis

Edwardi filii regis Henrici Tricesimo primo et pontificatus nostri vicesimo.

(Copy: Durham, Cart. IV, f. 78v.; cf. no. 34 *supra*.)

87. *25 June 1303. Bp. Auckland. Grant by bp. to Isabel de Herforde of land in Whitburn.*

Omnibus . . . Antonius . . . Noveritis nos dedisse . . . Isabelle de Herforde IIII^or^ acras terre in campo nostro de Whitborn' pro communa pasture sue in approwamentis in moris de Clivedon', Boldon', Newton' et Qwitbern tempore nostro aliqualiter factis et approwatis: habendas . . . dicte Isabelle, heredibus et assignatis suis de nobis et successoribus nostris in ecclesia nostra Dunelmensi imperpetuum. Reddendo inde annuatim nobis . . . ad scaccarium nostrum Dunelmi IIII^or^ solidos et octo denarios ad IIII^or^ anni terminos . . . pro omnibus aliis serviciis . . . In crt. . . . Hiis testibus: dominis Waltero de Wessyngton, Thoma de Whitworth, militibus; et multis aliis. Dat' apud Aukland die Mercurii in crastino sancti Johannis Baptiste, anno regni regis Edwardi filii regis Henrici tricesimo primo et c.n. vicesimo.

(Copy: Durham, Cart. IV, f. 78v.; cf. RPD III, 39.)

88. *8 July 1303. Perth. Letters of Edward I restoring to bp. the administration of franchise of Durham.*

The king having resumed the franchise of the bpric. of Durham into his hand for divers reasons by judgement in parliament at Westminster on 1 July 1302[1] (octave of St. John the Baptist, 30 Edw. I), assigned a keeper, justice, chancellor and other officers to maintain order and to rectify the grievances advanced by the men of the liberty against the bp. and his officers. These royal officers have settled most of the differences. Various complaints have lately been met by an agreement reached between bp. and commonalty before king and council at Durham on 28 April 1303[2] (three weeks after Easter), while redress of others has been made by the bp. in accordance with the agreement, as is vouched by William de Bereford, Roger de Hegham, William de Ormesby and Henry de Gildeford, deputed to supervise this. Since all complaints have now been settled, saving certain adjourned to the next parliament, the king,

[1] *Vide* no. 82 *supra*. [2] *Vide* no. 89 *infra*.

out of devotion to St. Cuthbert and of good will to the bp., is willing of especial grace to restore the franchise, to have and use by him and his successors as wholly and freely as any of his episcopal predecessors before the forfeiture, saving to the crown its dignity and rights and providing that there is full observance of the settlement between bp. and commonalty, decided before king and council, and of other redress made while the liberty was in the king's hands. Otherwise it will be necessary for the king or his heirs to intervene again.

(Patent Roll: CPR 1301-7, p. 149. Copy of privy seal warrant: B.M., Lansdowne MS. 397, ff. 269v.-70; printed RPD IV, 498-501.)

89. *19 July 1303. York. Enrolment of agreement between bp. and commonalty of Durham redressing grievances.*

Come nad geres par aucunes enchesons la fraunchise del Eveschee de Duresme fut prise en la main nostre seignur le Roi Edward fuiz le Roi Henry a son parlement a Westmonstier as octaves de la seint Johan Lan de son regne trentisme e les gentz de la communaute de la fraunchise de Duresme eussent moustre diverses pleintes e grevaunces vers Auntoyne donk' Evesqe de Duresme e ses Ministres a eux fet, e puis a Duresme a treis simoynes de Pasqe Lan du regne le Roi avandit Trente primer devant son consil fut amiablement trete entre les avanditz Evesqe e communaute sur les pleintes e grevances avandites. E apres iloqes devant le dit nostre seignur le Roi feut cel treitiz reherce en la presence des parties appesees e acordees en la forme qe ensuit: Cest asaver qe par la ou le avanditz gentz se sentirent grevetz de ceo qe nul fraunk' homme ne doit estre pris ne emprisone sil ne soit par enqueste ou par sacrobor ou pris a mainoevre, la pristrent les baillifs Levesqe les gentz du pais e les retindrent en prisone a leur volonte en contre la forme avandite; si graunte Levesqe qe nul ne soit enprisonetz par ses baillifs en sa fraunchise autrement qe nest use aillours en le Roialme, e qe les enquestes seient fetes par les Coroners de Levesche ausi come est aillours use en le Roialme solom la forme del estatut. Et par la ou la dite communalte prient qe nul fraunk homme de Levesche soit emplede en Curt Crestiene fors qe de testament e de matrimoigne e qe ceus qe de autres choses sont empledetz en meisme la Curt eient la prohibicion e latachement sur le Official ausi ben come sur

la partie; si graunte Levesqe qe la prohibicion ne latachement ne soit a nuli vee e qe ceux qui vienent en contre la prohibicion soient puniz solonc la lei, quel Juge de seint Esglise qe ceo soit. Et endreit des terres e des tenementz qe sont tenuz en drengage, cleime Levesqe la garde des tenementz de li tenuz, e par cele encheson ne cleime il mie garde des tenementz tenuz dautres sauve des tenantz le Priour. Et a ceo qe les gentz de la communaute se sentirent grevetz qe Levesqe fit seisir e tenir en sa garde terres qe sont tenues dautres par servise de Chevaler par encheson qe meismes ceus tenauntz tindrent de li par servise de chevaler, dit Levesqe qil devoit aver tieles gardes par sa prerogative des terres qe meismes ceus tenaunz tindrent des autres par servise de chevalier entre Tyne e Teyse ausi come le Roi les ad aillours en Engleterre. E pur ceo qe Levesque e les ditz gentz ne poaient acorder sur ceo point, si se mistrent eus en le dit nostre seignur le Roi. Et le Roi al honurance de dieu e de seint Cuthbert granta qe Levesqe le eust ausi come il meismes lad aillours en Engleterre: et de ceus qui rien ne tindrent del Evesqe ne clama il nule garde. Et par la ou list a chescun fraunk homme fere Molin en sa terre demeyne e prendre mine de charbun e de feer, les baillifs Levesqe desturberent ausi ben les seignurs des viles come autres fraunks tenauntz qe eus ne poaient des choses avandites lor profit fere; si voet Levesqe e grante qe chescun homme face Molyn sil ne soit sur terre qe seute deyve a son Molyn ou nusant a li, ou autre aureit remede: et qe chescun homme preigne Mine de carbon e de feer en sa terre severale e ausint la ou autres ont commune en meisme la manere come il mesmes fet en sa terre severale e la ou autres ont commune. Et par la ou nul fraunk' homme de Lesvesche ne soleit estre empledetz fors qe en la fraunche Curt Levesqe, vindrent les baillifs Levesqe e les firent empleder as halymotz e les amercierent entre les vileins, encontre commune lei du Roiaume; si voet Levesqe e graunte qe nul fraunk' homme ne veigne si il ne voille la venir e pleindre sei de aucun vilein, et si tort li seit fet par aucun vilein e il sen voille pleindre aillours en fraunche Curt, bref li soit grante. Et par la ou nul fraunk' qe est pris en la fraunchise de Duresme pur fet fet en meisme la fraunchise soit enprisone en le Wapentak' de Sadebergh', ne nul homme pris pur trespas fet en le Wapentak' soit emprisone a Duresme, qe nest pas ore suffert; si voet Levesqe e graunte qe issint soit, hors pris ceus

qui sont arestitz pur trespas fet a li meismes. Et par la ou touz les fraunk' hommes de Lesvesche soleint estre quites de Thounu e de totes maneres dacatz fetz en ville de Uppelaunde, la vindrent les baillifs Levesqe e pristrent thounu communaument ausi ben de ceus qe achatent un acre de ble en terre, boef ou vache, ou nul autre manere de sustenance en totes les villes de Upelaund come en ville Marchaunde e ceo par extorsion qe unkes ne fu fet en tens de ses predecessurs; si disoit Levesqe qe ceo ne fu mie par li: si voet e grante qe desoremes nul Thonu ne soit pris fors qe en meisme les lieus e en meisme la manere come il soleit estre pris en tens de ses predecessurs. Et qe nul de ses Ministres ne seise autri terres ne chateus en sa main sanz bref de la Chauncelerie de garant sil ne soit apres la mort de Auncestre qui tint en chef de li, qe nest pas ore soffert; ben voet Levesqe e grante qe nule terre ne chatel seient seisi en sa main autrement qe nad este use en tens de ses predecessurs. Et qe nul de ses Ministres ne leve dette de nul fraunk' homme si ele ne soit conue ou en Curt recovere ou sa certeine dette; ben le voet Levesqe e le grante. E la il prient qe nul cartage soit pris de fraunks hommes se il ne soit pur certain donant, sicome est use parmi le Roiaume, hors pris ceus qi tienent leur terres par tieu servise, e ceo nest pas soffert; ben voet Levesqe e grante qe autrement ne soit fet, si ceo ne soit en tens de guerre, sicome le Roi e autres seignurs font en tiel caas. Et qe nul suthbaillif de Coroner soit a cheval fors qe les qatre Coroners, sicome fu en tens de ses predecessours; ben le voet Levesqe e le graunte. Estre ceo la ou touz les hommes del Evesche soleient aver fraunk' issue e entre a la porte du Bayl daler a le corps seint, li e ses Ministres point ne le suffrirent a ceo qil disoient; si voet Levesqe e grante qe nul seit desturbe par li, mes en tens de guerre e en autre tens quant mestier serra de garde, e uncore en meismes cel tens voet Levesqe e grante qe len puisse fraunchement entrer e issir, sauve gentz de male suspecion. Et de ceo qe il prient qe chescun fraunk homme puisse courre e prendre totes maneres des bestes hors des boundes de la fraunche chace, hors de park', e dedenz la fraunche chace, dedenz Acregarth', a Levre e a Gopyl, Chat e Teissun, qe nest pas ore soffert; si voet Levesqe e grante qe ben list a chescun fraunk homme courre e prendre totes maneres des bestes de veneison trove hors des boundes de la fraunche chace sil ne soit en park, ou beste chacee est

suy de homme ou de chen hors de la chace quant il fet par li ou par autre en son noun chacer: et quant a courre a prendre levre, Gopil, Chaat, ou Teissun dedenz la dite chace dedenz Acregarth', ben voet Levesqe e graunte qe ceus qui sont especiaument feffetz par chartre par li ou par ses predecessours de courre iloqes e prendre tiel manere dedut ypuissent courre e prendre, sauve sa veneison. Et estre ceo la ou les fraunks hommes del Eveschee qui furent attachetz por vert ou pur veneison de la fraunche chace se soleient aquiter par bon pais en touz tens de ses predecessours, ses Ministres les ont pris e emprisonetz e retenuz a lour volontez par le surdit de un forester saunz nule lei resceivre ou enqueste prendre, e ceus qi fuerent atteinz de vert soleient estre amercietz solom la quantite du trespas e ceo par les seuters de la Curt de la fraunche chace, ses baillifs les amercierent a lour volontez saunz nule taxacion des sutiers; voet Levesqe e grante qe tieus maneres de attachementz ne soient desoremes usez pur trespas de veneison en la dite fraunchise, mes qe a presentement de foresters soient enquestes prises de office en la Curt de la dite chace par prodes hommes iuretz, e ceus qe serront enditez par enqueste de trespas de veneison soient attachetz de venir a la Curt avandite e iloqes se mettent en bone enqueste du pais se il voillent le trespas dedire dont eus sont enditez par enqueste, e si eus soient de trespas de veneison atteintz par enqueste, ou eus se mettent ou le trespas de gre voillent conoistre, soient puniz pur le dit trespas ausi come en fet aillours en Engleterre en caas semblable; et pur vert sil soient atteintz par enqueste ou pris a main oevre, soient amerciez solom la quantite del trespas. Estre ceo ceus qe soleient estre attachetz pur surdit de veneison prise en park' se soleient aquiter par bon pais, la vindrent ses baillifs e les retindrent en prisone a lour volonte saunz nule enqueste prendre; voet Levesqe e graunte qe les enditez de tieu trespas se puissent aquiter par bon pais sil ne soient trovez o main oevre. Et par la ou touz les hommes qe meinent en la fraunche chace soleient aver husebote e heibote de arder e de fier e de enclore e estre quites de paunage qe eus deveint aver de Aunteserie ou de feffement, e ceo ne fu pas soffert; voet Levesqe e grante qe lor estat soit sauve tel come il fut en tens de ses predecessours e tiel come il ont e usetz par Aunteserie ou de feffement. Et qe les fraunks hommes de la fraunche chace ne soient chargetz de plus des foresters qe eus ne soleint aver, e qe nule garde

soit partie en deus, e qe nul forester soit a cheval fors les deus Mestres. Et qe les foresters a pie ne preignent garbes ne autres choses fors qe de fermes, grasmen e de ses bondes, mes sicome il soleient prendre avaunt en tens de ses predecessours; si voet Levesqe e grante quant a garbes prendre qil ne preignent garbes ne autres choses des fraunks tenauntz ne de autres autrement qe il ne soleient fere en tens de ses predecessurs. Et quant a foresters mettre a sa volonte soit a pie ou a cheval ou plus ou meins, ben li list, qar ses foresters sont a ses custages demeyne e de ses vileins: e voet e graunte qe ceus qui ymet plus qe ne soleient estre rien ne preignent du pais, ne garbes ne autres choses. Et la ou la dite communaute prient qe il voille redrescer les aprowementz fetz en la fraunche chace e dehors, e de lur entrees e de leur issues estopees, a greve nusance de la dite communaute issi qil ne ont fraunche entre ne issue ne suffisaunt pasture aportenaunt a lor fraunks tenementz; voet ben Levesqe e graunte qe la ou tieus aprowementz de son tens demeine sont nusantz issi qe les gentz ne ont pas suffisaunte commune, solonc lei soient adrescetz: et voet le Roi qe le redrescement se face dedenz la seint Johan prochein avenir. Et la ou ses Wastz furent lessetz a ferme e puis weyvez par poverte en la fraunche chace e de hors, la vindrent ses baillifs e pristrent les bestes des veisins procheins e leverent la ferme de eux encontre commun usage du pais; dit Levesqe qe ceo ne fut mie par li, e voet e graunte qe mes ne soit fet. Estre ceo prient les gentz de la dite communaute qe nules issues ne soient levetz en la fraunchise avandite mes afere destresces pur defautes e les destresces retenir e plus prendre tant qe la partie veigne en Curt a respondre, sicome ad este use du tens dont y ny ad memoire; dit Levesqe qe il ne fet autre chose, ne fere ne cleime, fors qe sicome homme fet ailleurs en le Roiaume en caas semblable. Et totes ces choses desus grauntees voet Levesqe e graunte pur li e pur seglise e pur ses successurs taunt come en li est qe eles se teignent e remaignent fermes e establees as gentz de la dite communaute e a lour heirs a touz iours. Et estre ceo pur ceo qe touz les articles e grevances avanditz amiablement sont acordetz dont les gentz de la dite communaute touz e chescun de eus ont relessetz a la propre persone le dit Evesqe touz les damages qe il ont eux e resceus par acheson des articles avanditz, le dit Evesqe pur le honeur e la reverence de nostre seignur le Roi qi de cest acord sest entremis ad relesse tote

manere de Ire, de rancor e de male voillaunce qe il ad ou ad eu envers eux e chesun de eus par acheson des contens avanditz. En tesmoignance de cestes choses li dit Evesqe ad mis son seal a cest escrit. Done a Everwyk le dis e noefisme iour de Juyl Lan del Incarnacion nostre seignur Mille CCC e treis e du regne li dit Roi Edward' Trente primer.

(Close Roll, 31 Edw. I, m. 6d.: calendared: CCR 1302-7, pp. 100-3. PRO., Reg. Kellawe, ff. 277-8; printed RPD III, 61-7.)

90. *31 Aug. 1303. Barnard Castle. Institution by bp. of vicarage at Ponteland.*

Universis sancte matris ecclesie filiis ad quorum noticiam pervenerit hec scriptura, Antonius permissione divina Dunelmensis episcopus salutem in eo qui est omnium vera salus. Cum sanctissimus pater dominus Bonifacius divina providencia papa octavus ecclesiam de Ponteland' nostre dyocesis custodi, scolaribus et fratribus domi de Merton' Oxonie in proprios usus habendam nuperime contulisset, porcione tamen vicario in eadem instituendo debita reservata, de qua ex officii nostri debito nobis incumbit propensius ordinare, ne ecclesia predicta debitis defraudetur obsequiis importune, quinimmo cultus divinus in eadem ut cupimus augmentetur: eapropter decernimus et pronunciamus vicarium in ecclesia de Ponteland' sepedicta, per nos ad ipsam admittendum et instituendum ut convenit, in eadem debere personaliter decetero iuxta constitucionem legati[1] super hoc editam residere. Cuius quidem vicarii qui pro tempore fuerit porcionem habendam et percipiendam nomine vicarie sue ipsamque vicariam, consideratis ad plenum tam facultatibus quam eciam oneribus ecclesie memorate inquisicioneque habita diligenti de eisdem, ordinamus et taxamus in rebus et particulis debere consistere infrascriptis: videlicet in decimis lini, feni, canabis, curtilagiorum, molendinorum, herbagii cimiterii et aliorum locorum, aucarum, columbarum, gallinarum, annatum, apium, vitulorum, pullanorum, porcellorum, albi et albuminis, piscarie et aliis decimis provenientibus ex negotiacione vel artificio quibuscunque: item, in percepcione panis benedicti, oblacionum quarumcunque voluntariarum, debitarum et consuetarum ac aliarum obvencionum tam ex esponsalibus quam ex reconciliacionibus, baptisteriis, purificacionibus

[1] *Vide* Wilkins, *Concilia*, II 5-6 (Ottobon. c. IX).

et aliis proventibus, mortuariis et ceragiis proveniencium infra limites et loca decimacionum parochie ecclesie de Ponteland antedicte, exceptis decimis maioribus et minoribus de manerio de Horton, de Scheppecotes et Petecotes qui sunt abbatis Novi Monasterii provenientibus. Habebit insuper vicarius qui pro tempore fuerit pro se et vicaria sua duas partes septies viginti acrarum dominice terre arabilis et duas partes prati, cum frussura adiacente ad duas partes terre et cum duabus partibus bercarie inibi situate, ad dictam ecclesiam de Ponteland spectantes, et terciam partem petarie pro focale. Habebit eciam terram cum prato spectantem ad capellam de Mylleneburn et parvam aream iacentem in villa de Ponteland inter aquas iuxta domum Radulphi fabri. Ita quod de fructibus provenientibus de quibuscunque terris, locis aut rebus aliis ipsius vicarie quibuscunque superius assignatis eidem infra dictam parochiam existentibus aliquas decimas maiores vel minores rectoribus non persolvet, nec eciam rectores aliquas decimas vicario solvere teneantur. Assignavimus insuper eidem vicario de consensu expresso procuratoris dictorum custodis, scolarium et fratrum totum mansum cum superedificatis in villa de Ponteland situm, quondam porcioni domini Philippi de Wyleby, quam in eadem habuit ecclesia, deputatum. Volumus eciam quod vicarius qui pro tempore fuerit omnia onera ordinaria dicte ecclesie sustineat et supportet; extraordinaria vero pro rata sue porcionis subeat ut tenetur, proviso quod omnes decime, fructus et redditus dicte ecclesie superius non expressi dictis custodi, scolaribus et fratribus integraliter reserventur. Et ut hec nostre ordinatio stabilis et inconcussa permaneat in futuro, eandem fecimus sigilli nostri munimine roborari. Act' et dat' apud Castrum Bernardi tricessimo primo die mensis Augusti, anno domini millessimo trecentessimo (*sic*) tercio et consecracionis nostre vicessimo (*sic*).

(Eighteenth-century transcript: Durham, Dean and Chapter Library, Randall MS. 4, pp. 78-9.)

91. *1 Sept. 1303. Somerton. Annexation by bp. on behalf of Stephen de Mauley of the church of Haughton-le-Skerne to his prebend of Auckland.*

Antonius permissione divina Dunolmensis Episcopus dilecto in Christo filio Stephano de Malo Lacu, Canonico prebendalis ecclesie Aukeland', salutem, graciam et benediccionem. Matris ecclesie

graciosa benignitas illos libencius amplis favoribus prosequitur eorumque commoditatibus prompte providet et quieti, qui morum excellencia ac probitatis meritis ceteris prefulgentes, se felicitatis munere dignos reddunt; solet enim virtus in augmenta consurgere, cum se conspexerit condigna meritorum premia percepisse. Hec igitur et alia morum et honestatis merita ac generose prosapie titulum quibus te novimus insigniri diligencius attendentes, scinceritatis eciam affectum quem erga nos et nostram geris ecclesiam vehemencius ponderantes, ut et maior tibi devocionis accrescat affectus, quo per nos munitum te circumspexeris latioris gracie fulcimentis, propter exilitatem dicte prebende tue et ob id similiter quod edificia in quibus iuxta tui status exigenciam recipi valeas non obtines in eadem, Ecclesiam de Halugton' per mortem domini Willelmi de Burneton' vacantem et ad nostram collacionem pertinentem, com[petente] deliberacione prehabita ac eciam evidenti utriusque Ecclesie utilitate perpensa, dicte prebende tue Aukeland' quoad . . . et eiusdem prebendarius fueris annectimus per hec scripta, eandemque Ecclesiam eidem prebende incorporatam . . . tibi conferimus cum omnibus iuribus et pertinenciis utriusque, auctoritate ordinaria presencialiter decernentes quod [ex nunc predicte] prebenda et ecclesia de Halugton ei ut premittitur annexa sint tibi unum prebendale beneficium dum vixeris et preb[endam predict]am obtinueris, et pro unico beneficio prebendali habeantur. Proviso tamen per omnia quod dicta Ecclesia debitis [non fraudetur obsequiis], nec animarum cura negligatur aliqualiter in eadem. In quorum omnium testimonium et . . . [has] litteras sigillo nostro signatas tibi fieri fecimus patentes. Dat' apud Somerton' primo die Mensis Sept[embris anno domini] M°CCC^mo tercio et consecracionis nostre vicesimo.

(Notarial authentication in consistory court of York, 23 July 1311: Vatican Archives, Rome, Instr. Misc. 360.)

92. *3 April 1304. St. Peter's, Rome. Licence of pope to bp. to grant Coldingham priory to bp. of Byblos.*

Benedict XI has considered the petition of bp. Bek that the Saracens having overrun the bpric. of Byblos, Hugh the bp. has nothing to support him. A. has requested papal licence for assistance, in the form of provision to Hugh of the administration of the Durham cell

of Coldingham, immediately dependent on the pr. of Durham. Hugh is to retain this for life or till recovery of his bpric. A. is authorised to induct him to corporal possession, having removed whoever was already deputed there by the prior, and to constrain all to pay him the customary dues and rents, notwithstanding any customs, privileges or indulgences to the contrary.

(Notarial transcript of papal letters considered in parliament, 5 April 1305: printed *Memorandum de Parliamento*, p. 297; *Foedera* I, 969. Calendared: *Reg. Benedict XI*, no. 634, col. 404.)

93. *5 June 1304. Perugia. Two papal licences to bp. for dispensations to clerks.*

(a) Licence of Benedict XI that eight of A's. clerks who have taken the Cross with him may receive dispensation from the bp. to accept and retain two benefices each without papal permission, notwithstanding any constitution of a general council.

(b) Licence of Benedict XI that four of A's. clerks who have accepted parishes since the General Council [of 1274] but have not proceeded to full ordination in accordance with the statutes may receive dispensation from the bp. They may receive all fruits and rents provided that divine office and the cure of souls is not endangered and that meanwhile they proceed to higher orders.

(*Reg. Benedict XI*, nos 1013-14, cols. 612-14.)

94. *20 Oct. 1304. York. Proceedings before king's council concerning bp. and pr. and commonalty of Durham.*

Richard, pr. of Durham and various other men of the commonalty of the bpric. of Durham (*de communitate terre Episcopatus Dunolmensis*) presented before the king at Durham on his recent return from Scotland grievous complaints of injuries committed against them by the bp. and his officers; and these the bp. has failed to remedy. The king as superior lord, wishing to show them justice, adjourned them and the bp. to be before him and his council at York on 20 Oct. 1304 (three weeks after Michaelmas) to deliberate on the matter. This day the pr. and men of the commonalty came with the bp. before the king's council. After long altercation it was agreed that two of the king's justices, William de Bereford and Roger de Hegham, should go to Durham for the quindene of the

Purification next (16 Feb. 1305) to hear and terminate according to law and the custom of those parts all long-standing suits of the prior and commonalty touching grievances arising either before the confiscation of the franchise, or during it but not then determined by the royal justices: for on restoration of the liberty the bp. had been enjoined to provide speedy justice in these pleas, otherwise the king would require a reason. As for complaints of injuries arising after the restoration, first cognizance of all pleas in that land (*terra*) pertains to the bp. by reason of his lordship and liberty. Since the pr. and commonalty have not demonstrated sufficiently that the bp. has defaulted in justice in this respect, the bp. is enjoined to hear these complaints before 16 Feb. 1305, and the pr. and commonalty are to sue before the bp. first. The bp's. attorney is to assign them a day for these proceedings. He names 18 Nov. (octave of Martinmas) for filing of suits and 7 Dec. (morrow of St. Nicholas) for proceedings before the bp's. auditors (*coram auditoribus*). Moreover he, together with Brian fitz Alan, Ralph fitz William and William le Vavassour give surety (*manuceperunt*) that if it be necessary for the king's justices to remain in the bpric. beyond Septuagesima (14 Feb. 1305) and later, to terminate pleas and to take assizes, the bp. will freely grant them licence to hold assizes, notwithstanding the season of Septuagesima or Lent.

(Enrolled: PRO., Coram Rege Roll, Mich. 32/3, Edw. I, m. 71d.)

95. *12 Nov. 1304. York. Writ of Edward I ordering bp. to have the executors of mr. Robert de Merley to answer at the Exchequer for taxes collected in co. North'land.*

Edwardus dei gracia Rex Anglie Dominus Hibernie et Dux Aquitanie venerabili in Christo patri A. eadem gracia Dunolmensi episcopo salutem. Quia Adam de Merle, Elias de Goseford' et Ricardus prepositus de Overhewrth', executores testamenti magistri Roberti de Merlay defuncti, unius taxatorum et collectorum undecime et septime, duodecime et octave, nuper nobis concessarum in Comitatu Norhumbrie, nichil habent in eodem comitatu extra libertatem vestram per quod possunt distringi ut accepimus; vobis mandamus quod venire faciatis coram baronibus de scaccario nostro apud Westmonasterium a die sancti Hillarii proximo futuro in XV dies predictos Adam, Eliam et Ricardum cum rotulis, talliis, brevibus et

omnibus aliis compotum suum tangentibus ad reddendum nobis compotum pro eodem defuncto de undecima et septima, duodecima et octava predictis, una cum Rogero Mauduyt filio et herede Rogeri Mauduyt defuncti, nuper alterius taxatoris et collectoris earumdem, qui eundem diem habet. Et remittatis ibi tunc hoc breve. Teste R[ogero] de Hegham apud Eboracum XII° die Novembris anno regni nostri tricesimo.[1]

Per Rotulum visus compotuum XIe et VIIe, XIIe et VIIIme predictarum.

Endorsed: Coram Baronibus de scaccario in Octabis sancti Hillarii.

Manucaptores Ade de Merley:

Stephanus de Bydik, Molendarius,

Gilbertus sumter de Boldon'.

Manucaptores Ricardi prepositi de Overesewrth':

Simon filius Roberti de Hewrd',

Radulphus sutor de eadem.

Elias de Goseford' non est inventus nec aliquid habet infra libertatem Episcopatus Dunolm' per quod potest attachiari.

Defalt'; ideo in crastino Clausi Pasche.

XVIII die Februarii: ita etc. in Crastino clausi Pasche.

Non retornatum; ad quem diem Episcopus nullum breve retornavit; ideo sicut alias in XV^a sancti Johannis, sub IIII die Maii.

(Original: PRO., Exchequer Writs Q.R., Box 2, file 3; cf. Q.R. Mem. Roll, Mich. 32/3 Edw. I, m. 82d.)

96. *23 Nov. 1304. York. Exchequer writ demanding payment of bp's. debts to the king.*

By inspection of the rolls of the Exchequer it is found that the bp. owes the king £1353 6s. 8d. for various debts, and the king is unwilling to defer repayment longer. The bp. is to have the sum at the Exchequer at Westminster on 20 January (octave of St. Hilary), together with this writ. Tested by R[oger] de Hegham.

Per rotulum Memorand' de eodem anno.

Endorsed: Coram Baronibus de scaccario in Octabis sancti Hillarii.

[1] This writ is so dated; but the corresponding writ to the sheriff of North'land, endorsed with the need to apply to the bp., is dated 4 June 32 Edw. I.

Istud Breve adeo tarde venit quod non potuit inde fieri execucio. Viso et examinato returno istius brevis coram Thesaurario et Baronibus concordatum est per eosdem quod summa infra contenta de terris ipsius episcopi levetur etc. Et preceptum est vicecomitibus sicut continetur in Rotulo brevium.

(Original: PRO., Exchequer Writs Q.R., Box 2, file 3; cf. Q.R. Mem. Roll, Mich. 32/3 Edw. I, m. 82d.)

97. *24 Nov. 1304. York. Exchequer writ ordering the bp. to distrain various clerks beneficed in dioc. Durham and having no lay fee.*

Edwardus dei gracia Rex Anglie Dominus Hibernie et Dux Aquitanie venerabili in Christo patri A. eadem gracia Dunolmensi Episcopo salutem. Quia clerici vestre diocesis subscripti non habent laica feoda unde debita que nobis debent levari possunt ut accepimus, vobis mandamus* quod de bonis et beneficiis eorumdem clericorum in eadem diocesi vestra levari faciatis debita subscripta, videlicet: De persona ecclesie de Wessington xvj *li.* xiij *s.* iiij *d.* quos nobis debet de pluribus debitis; de persona ecclesie sancti Egidii de Salteley lxvj *s.* viij *d.* quos nobis debet pro eodem; de persona ecclesie de Wyteberme xiij *li.* vj *s.* viij *d.* quos nobis debet pro eodem; de persona ecclesie de Houaton[1] xliij *li.* vj *s.* viij *d.* quos nobis debet pro eodem; de persona ecclesie de Hesington lx *li.* quas nobis debet pro eodem; de persona ecclesie de Herte vj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Eden xvj *s.* viij *d.* quos nobis debet pro eodem; de persona ecclesie de Hertelpoll iiij *li.* viij *s.* x *d. ob.* quos nobis debet pro eodem; de persona ecclesie de Stranton vj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Tremedon xl *s.* quos nobis debet pro eodem; de persona ecclesie de Ellewik viij *li.* xvij *s.* ix *d.* q^{a}. quos nobis debet pro eodem; de persona ecclesie de Seggefeld lvj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Wulsingham vj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Stanp[2] xiij *li.* vj *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Brauncepath viij *li.* xvij *s.* ix *d.* q^{a}. quos nobis debet pro eodem; de persona ecclesie de Qwytham[3] x *li.* quas nobis debet pro eodem. De porcione Rogeri de Oly in ecclesia de Aukeland x *li.* quas nobis debet pro eodem; de porcione

[1] Houghton-le-Spring. [2] Stanhope. [3] Whickham.

magistri Willelmi de sancto Botulpho in eadem viij *li.* quas nobis debet pro eodem; de porcione Roberti de Wycum in eadem viij *li.* quas nobis debet pro eodem. De porcione Thome de Sudington in ecclesia de Langecestre viij *li.* vj *s.* viij *d.* quos nobis debet pro eodem; de porcione Radulphi Besage in eadem lxvj *s.* viij *d.* quos nobis debet pro eodem; de porcione Reginaldo de Brandon in eadem cvj *s.* viij *d.* quos nobis debet pro eodem; de vicario eiusdem ecclesie in eadem xj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem. De porcione magistri Willelmi de sancto Botulpho in ecclesia de Cestre x *li.* quas nobis debet pro eodem; de porcione de Lamesley in eadem x *li.* que nobis debentur pro eodem; de porcione Willelmi de Brompton in eadem cxv *s.* vj *d. ob.* quos nobis debet pro eodem; de porcione Thome de Leuesham in eadem iiij *li.* viij *s.* x *d. ob.* quos nobis debet pro eodem; de vicario eiusdem ecclesie xj *li.* ij *s.* ij *d. ob.* quos nobis debet pro eodem. De persona ecclesie de Wynston viij *li.* quas nobis debet pro eodem; de vicario ecclesie de Gaynestech[1] xxxiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Staynton[2] lxvj *s.* viij *d.* quos nobis debet pro eodem; de persona ecclesie de Redemereshill viij *li.* xvij *s.* ix *d. ob.* quos nobis debet pro eodem. De porcione Rogeri de Insula in ecclesia de Norton lx *s.* quos nobis debet pro eodem; de porcione Johannis de Brabant' in eadem lx *s.* quos nobis debet pro eodem; de porcione Lodewyci de Bello Monte in eadem lx *s.* quos nobis debet pro eodem. De porcione Andree de Kilkenny in ecclesia de Derlington cxj *s.* j *d. q*ª. quos nobis debet pro eodem; de porcione Roberti de Beles in eadem cxj *s.* j *d. q*ª. quos nobis debet pro eodem; de porcione Johannis de Metingham in eadem lv *s.* vj *d. ob.* quos nobis debet pro eodem. De vicario ecclesie de Neuburn cx *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesia de Stayington[3] vij *s.* ix *d. ob.* quos nobis debet pro eodem; de persona ecclesie de Bothale xij *li.* vj *s.* viij *d.* quos nobis debet pro eodem; de persona ecclesie de Pontheland x *li.* iiij *d.* quos nobis debet pro eodem; de porcione Karoli de Bello Monte in eadem lxxiij *s.* iiij *d.* quos nobis debet pro eodem; de vicario ecclesie de Bywell Petri xxxj *s.* x *d. ob.* quos nobis debet pro eodem; de persona ecclesie de Qwytefeld[4] xxxj *s.* j *d. q*ª. quos nobis debet pro eodem; de persona ecclesie de Ovingham xxxij *li.* xix *d. q*ª. quos nobis debet pro eodem; de vicario ecclesie de Hautwysil x *li.* x *s.* vj *d.* quos

[1] Gainford. [2] Stainton-le-Street. [3] Stannington. [4] Whitfield.

nobis debet pro eodem; de persona ecclesie de Treklington[1] xxxiiij *s.* *q*[a]. quos nobis debet pro eodem; de persona ecclesie de Simonburn lxviij *li.* ij *s.* j *d.* quos nobis debet pro eodem; de vicario ecclesie de Hildreton[2] xxxiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Ford xiij *li.* viij *s.* x *d.* *ob.* quos nobis debet pro eodem; de vicario ecclesie de Norham vj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Chatton x *li.* quas nobis debet pro eodem; de vicario eiusdem ecclesie xxv *li.* quas nobis debet pro eodem; de persona ecclesie de Cheuelingham[3] vj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Fenton c *s.* quos nobis debet pro eodem; de persona ecclesie de Felton vj *li.* xiij *s.* iiij *d.* quos nobis debet pro eodem; de persona ecclesie de Seyplyingbotell[4] vj *li.* xij *d.* quos nobis debet pro eodem; de persona ecclesie de Lecebiri xxxv *li.* quas nobis debet pro eodem; de persona ecclesie de Alneham xv *li.* x *s.* quos nobis debet pro eodem; de persona ecclesie de Howyk viij *li.* quas nobis debet de pluribus debitis prout nobis constat per inspeccionem rotulorum de scaccario nostro.* Ita quod denarios illos habeatis ad idem scaccarium nostrum apud Westmonasterium in octabis sancti Hillarii per aliquem de vestris, nobis ibidem solvendos; remittentes ibi tunc hoc breve. Teste J[ohanne] de Insula apud Eboracum XXIIII die Novembris anno regni nostri Tricesimo tercio.

Endorsed: Istud Breve adeo tarde venit quod non potuit inde fieri execucio.

Sicus alias XI die Februarii; ita etc. in crastino Clausi Pasche.

(Original: PRO., Exchequer Writs Q.R., Box 2, file 3.)

98. *11 Feb. 1305. Westminster. Writ* sicut alias *to distrain various clerks having no lay fee.*

Edwardus . . . venerabili in Christo patri A. . . . Quia clerici vestre diocesis subscripti non habent laica feoda unde debita que nobis debent levari possunt ut accepimus, vobis mandamus sicut alias . . .[5] Ita quod denarios illos habeatis ad idem scaccarium nostrum apud Westmonasterium in crastino Clausi Pasche per aliquem de vestris, nobis ibidem solvendos: et unde mandastis

[1] Throckington. [3] Chillingham.
[2] Ilderton. [4] Shilbottle.
[5] As no. 97 *supra* between asterisks.

baronibus de eodem scaccario nostro in octabis sancti Hillarii proximo preteritis quod breve nostrum alias vobis inde directum adeo tarde ad vos venit quod illud debite execucioni demandare non potuistis; et quia sufficienter constat prefatis baronibus nostris quod idem breve satis tempestive vobis extitit liberatum unde debita execucio in premissis fieri potuisset, et quod execucioni eiusdem gratis supersedistis, in nostri contemptum manifestum et dampnum non modicum, sciatis vos amerciatos esse ad xx *li.*: et remittatis ibi tunc hoc breve. Teste R[ogero] de Heygham apud Westmonasterium XI die Februarii anno regni nostri XXXIII°.

Endorsed: Mandatum [fuit] Officiali nostro ut Breve istud execucioni debite demandaret, qui nobis respondit quod quidam eorum qui nominantur in Brevi mortui sunt, videlicet Thoma de Sudyngton', Willelmus de Brompton', Rogerus de Insula, Andreas de Kilkenny, Robertus de Beles, Johannes de Metingham: Carolus de Bello Monte, Rogerus de Oyly et Robertus de Wycomb' nichil habent in diocesi nostra: ceteri beneficiati in Breve nominati dixerunt nos nullam habere potestatem quicquam de ipsis levandum, cum tantummodo habeant beneficia ecclesiastica, nec causa debiti in Brevi inseritur; propter quod in execucione huius Brevis ulterius ad presens procedere nequivimus.

Sicut pluries XXVIII° die Maii, in XV^a^ sancti Johannis.

(Original: PRO., Exchequer Writs Q.R., Box 2, file 3.)

99. *24 April 1305. Westminster. Royal licence for bp. to repay his debts to the Exchequer by yearly instalments.*

Extension by king to bp. of licence of 28 June 1290 (no. 18 *supra*) to repay all debts at Exchequer at the rate of £100 a year, at Michaelmas and Easter. Should he die before full repayment, the remainder shall be paid half by his successors and half by his heirs. This is not to hinder his executors in their free administration of his will.

(Patent Roll: CPR 1301-7, p. 334. PRO., LTR. Mem. Roll, Mich. 32/3 Edw. I, m. 37.)

100. *4 May 1305. Westminster. Writ* sicut alias *for bp. to have the executors of mr. Robert de Merley to answer at the Exchequer for taxes collected* (*cf. no. 95* supra.)

Edwardus . . . venerabili in Christo patri A. . . . Mandamus vobis sicut alias quod distringatis Adam de Merley et Ricardum prepositum de Overeshewrth', executores testamenti Magistri Roberti de Merlay defuncti, nuper unius collectoris undecime et septime, duodecime et octave, in comitatu Norhumbrie, per omnes terras et catalla sua in libertate vestra; ita quod nec ipsi nec aliquis pro eis ad ea manum apponat donec aliud inde vobis mandaverimus; et quod de exitibus earumdem terrarum nobis respondeatis; et quod habeatis corpora eorum coram Baronibus de scaccario nostro apud Westmonasterium in octabis sancti Johannis Baptiste proximo futuris, cum rotulis, talliis, brevibus et omnibus aliis compotum suum tangentibus, ad reddendum nobis compotum, pondum [et] redditum pro eodem defuncto de undecima et septima, duodecima et octava predictis una cum Rogero Mauduyt, filio et herede Rogeri Mauduyt defuncti, nuper alterius collectoris earumdem, qui eundem diem habet. Et venire faciatis ibidem ad eundem diem Eliam de Goseford, co-executorem testamenti predicti Magistri Roberti ad reddendum nobis compotum suum predictum una cum prefatis Adam et Ricardo et Rogero Mauduyt in forma predicta: scientes quod de eo quod breve nostrum nuper vobis inde directum exequi nec illud coram prefatis Baronibus nostris in crastino Clausi Pasche retornare curastis sicut vobis mandatum fuit, quamplurimum miramur. Et remittatis ibi tunc hoc breve et aliud breve nostrum. Teste R[adulpho] de Abyndon apud Westmonasterium IIII die Maii anno regni nostri tricesimo tercio.

Per rotulum visus compotuum XIe et VIIe, XIIe et VIIIme quo ad compotum.

Endorsed: Adam de Merley districtus est per terras et catallas ad valenciam de i Marca.

Ricardus prepositus districtus est per terras et catallas ad valenciam de dimidia Marca.

Defalt'; ideo in octabis sancti Michaelis sub V die Julii.

(Original: PRO., Exchequer Writs Q.R., Box 2, file 3.)

101. *c. May 1305.*[1] *Declaration by bp. of boundaries of Bearpark moor.*

[1] This declaration was the result of various judgments given during the Bereford assize of April 1305. RPD IV, 7-9.

Recognition by bp. that William I,[1] bp. of Durham, granted to the pr. and c. of Durham lands to the west of Durham beyond the Wear towards the water of Browney (*Brun*). Bek's bailiffs as strangers (*tamquam extranei*) being ignorant of this, had demised part at farm[2] as belonging to the bp. Bek recognises the metes of the pr's. land to be from the water of Wear along the *Milneburn* to the south side of *Gybetknoll*; along the ditch (*seketum*) northwards to the highway (*via regia*) leading to Lanchester; thence to the south corner of the park of *Beurepaire* and to the Browney. The bp. confirms the rights of the pr. and c. to all lands between this boundary and the highway from *Crosegate* to *Brunspitill,* by *Rylly* bridge over the Browney.[3]

(Copy: Durham, Reg. I ii, f. 29, printed S.S. 58, p. 192n; cf. Cart. IV, f. 94.)

102. *28 May 1305. Westminster. Writ* sicut pluries *to bp. to distrain various clerks having no lay fee* (*cf. nos. 97 and 98* supra.)

Edwardus . . . venerabili in Christo patri A. . . . Quia clerici vestre Diocesis subscripti non habent laica feoda unde debita que nobis debent sufficienter levari possunt ut accepimus, vobis mandamus sicut pluries . . . Ita quod denarios illos habeatis ad idem scaccarium nostrum apud Westmonasterium a die sancti Johannis Baptiste in XV dies per aliquem de vestris nobis ibidem solvendos. Attendentes siquidem quod si secus feceritis in premissis nos vobis ulterius non parcemus in hac parte, quin denarios predictos de temporalitate vestra levari faciemus. Et remittatis ibi tunc hoc breve. Teste W[illelmo] de Carleton' apud Westmonasterium XXVIII die Maii anno regni nostri tricesimo tercio.

Endorsed:

Thomas de Sudyngton, prebendarius de Langcestre
Willelmus de Brumpton, prebendarius de Cestre
Johannes de Metingham, prebendarius de Derlington
Rogerus de Insula, prebendarius de Norton
Johannes de Brabantia, prebendarius de Norton
Andreas de Kirkenny, prebendarius de Derlyngton
} Mortui sunt.

[1] William de St. Calais (1081-96). [2] Cf. RPD IV, 7-9.

[3] As it lacks witnesses and date, it is possible that this document represents a desire of the pr. and c. rather than an actual grant.

De aliis personis et porcionariis, breve nobis adeo tarde venit quod illud propter brevitatem temporis exequi non potuimus.

(Original: PRO., Exchequer Writs Q.R., Box 2, file 3.)

103. *10 June 1305. Wolsingham. Grant by bp. to John de Birteleye of lands near Twizell.*

Omnibus sancte matris ecclesie filiis presentem cartam visuris . . . Antonius permissione divina Dunolmensis episcopus salutem in domino sempiternam. Noveritis nos . . . presenti carta nostra confirmasse Johanni de Birteleye, heredibus suis et suis assignatis quinquaginta novem acras terre novi vasti nostri cum pertinenciis suis sicut iacent in longitudine et latitudine iuxta hayam et campum de Twiselis, inter Stanleyburne ex parte occidentalis et Smalburne ex parte orientalis; habendas . . . dicto Johanni . . . de nobis . . . hereditarie inperpetuum. Faciendo inde nobis . . . servicium quantum pertinet ad quinquagesimam partem feodi unius militis pro omnibus serviciis . . . Quare volumus . . . quod dictus Johannes, heredes sui et sui assignati predictas quinquaginta novem acras terre cum suis pertinenciis habeant . . . inperpetuum. In crt. . . . Hiis testibus: dominis Guychardo de Charron', Petro de Thoresbi, Willelmo de Herington, Willelmo de Kilkenni, Roberto de Eplingden, Johanne de Flete, Gilberto de Scharesbek et aliis. Dat' apud Wlsingham decimo die Junii anno domini Millesimo tricentesimo quinto et c. n. vicesimo secundo.

(Contemp. copy of conf. by pr. and c. of Durham, 6 Jan. 1309: Durham, Misc. Charter 6396. Also Misc. Charter 7125*e*; Reg. I ii, f. 31 r.-v.)

104. *20 July 1305. Westminster. Royal writ ordering the bp. to cause John de Birteley to come to account at the Exchequer for the time he was receiver during the confiscation of the liberty.*

Rex Episcopo Dunelmensi salutem. Mandamus vobis quod venire faciatis coram baronibus de scaccario nostro apud Westmonasterium in octabis sancti Michaelis Johannem de Byrteleye, quem dilectus et fidelis noster Robertus de Clifford, custos libertatis Dunolmensis dum eadem libertas nuper certis de causis fuerat in manu nostra, sub se constituit receptorem exituum eiusdem libertatis, ad respondendum nobis inde ad scaccarium nostrum, cum rotulis, brevibus, talliis et

omnibus aliis compotum suum tangentibus, ad reddendum nobis compotum de exitibus libertatis predicte de tempore supradicto. Et habeatis ibidem super eundem compotum aliquem de vestris ad respondendum et satisfaciendum nobis nomine vestro de diversis debitis dictam libertatem tangentibus de tempore predicto, nuper per vos ad mandatum nostrum levatis.[1] Et remittatis ibi hoc breve. Teste Thesaurario XX die Julii.

(Enrolled: PRO., LTR. Mem. Roll, 32/3 Edw. I, m. 80d.)

105. 22 *July 1305. Westminster. Royal writ ordering the bp. to extend the lands of Hugh Gobyoun within the franchise of Durham.*

Rex Episcopo Dunelmensi salutem. Quia Hugo Gobyoun qui diem clausit extremum tenebatur nobis in diversis debitis, ad quorum solucionem omnia bona et catalla que idem defunctus habuit in regno nostro die quo obiit non sufficiunt, vobis mandamus quod omnes terras et tenementa de quibus dictus Hugo obiit seisitus in dominico suo ut de feodo in episcopatu predicto, et eciam omnia bona et catalla que fuerunt eiusdem Hugonis eodem tempore ibidem sine dilacione per ministros vestros capi faciatis in manum nostram, et terras et tenementa illa extendi faciatis, quantum videlicet valeant per annum in omnibus exitibus suis, salvis serviciis inde debitis; et bona et catalla predicta faciatis fideliter appreciari. Et accepta per vestros ministros predictos securitate sufficienti pro qua vos ipsi respondere volueritis ab heredibus predicti Hugonis ad reddendum nobis per annum ad scaccarium nostrum extentam terrarum et tenementorum predictorum, unam videlicet medietatem ad scaccarium sancti Michaelis et aliam medietatem ad scaccarium nostrum Pasche, et eciam ad satisfaciendum nobis de precio bonorum et catallorum predictorum in octabis sancti Michaelis proximo futuris in partem solucionis debitorum predictorum, terras et tenementa, bona et catalla illa predictis heredibus faciatis integre liberari per securitatem predictam. Et extentam et appreciacionem illas habeatis ad idem scaccarium nostrum apud Westmonasterium in octabis sancti Michaelis predictis per aliquem de vestris, constare facientes ibidem ad eundem diem securitatem quam a predictis heredibus receperitis

[1] Probably the sums due from fines levied during the Ormesby assizes, Sept.-Dec. 1302: cf. LTR. Mem. Roll, 32/3 Edw. I, m. 75d.

in forma prescripta. Teste Thesaurario XXII die Julii, per eundem Thesaurarium et per billam.

(Enrolled: PRO., LTR. Mem. Roll, 32/3 Edw. I, m. 8od.)

106. *c. June/July 1305.*[1] *Grant by bp. of land near Birtley to Gilbert de Scaresbrek.*

Antonius permissione divina Dunolmensis episcopus universis presentem cartam visuris vel audituris salutem in domino. Noveritis nos . . . hac presenti carta nostra confirmasse dilecto et fideli nostro Gilberto de Scaresbret pro laudabili servicio suo nobis et ecclesie nostre inpenso sexies viginti acras terre vasti nostri subtus Schedeneslawe versus boscum iuxta Byrtley ex parte una et Eghton ex parte altera: habendam . . . eidem Gilberto et heredibus suis de nobis et successoribus nostris ecclesie Dunolmensis dictam terram cum omnibus suis pertinenciis in pratis, pascuis et pasturis, libere, quiete, bene et in pace inperpetuum. Reddendo inde annuatim nobis . . . ad scakarium nostrum Dunolmi x *s.* argenti ad quatuor anni terminos in episcopatu nostro constitutos; et faciendo inde nobis . . . forinsecum servicium, videlicet quantum pertinet ad quadragesimam partem feodi unius militis, pro omni alio servicio, sectis curie et molendini et aliis demandis universis. Volumus eciam et concedimus quod idem Gilbertus ad vitam suam habeat de foresta nostra focalia, housebote et heibote racionabilia per visum forestariorum nostrorum: et quod idem Gilbertus quietus sit de pannagio propriorum porcorum suorum. In crt. . . . Hiis testibus etc.

(Fourteenth-century copy: Durham, Misc. Charter 7125*h*. Entered in Reg. I ii, f. 28v.)

107. *16 Sept. 1305. Havering, Essex. Mandate of Edward I to the bp. or his deputy protecting Geoffrey de Hertilpol.*

Neither the bp. nor his deputy within the liberty of the bpric. is to penalise Geoffrey de Hertilpol for defaulting on 2 Aug. 1305 (Monday after St. Peter ad Vincula) in the suit in the bp's. court brought against Geoffrey by Ralph son of William concerning the rent of the manor of Brierton; because Geoffrey was on the king's service.

(Close Roll: CCR 1302-7, p. 263.)

[1] This grant is closly related to no. 118 *infra*, but must be previous in date to Bek's departure abroad in August 1305.

108. *14 Oct. 1305. Westminster. Further mandate of Edward I to the bp. or his deputy concerning Geoffrey de Hertilpol.*

Neither the bp. nor his deputy within the liberty of the bpric. is to penalise Geoffrey de Hertilpol for defaulting on 27 Sept. 1305 (Monday after St. Matthias) in the suit in the bp's. court (as above, no. 107), as he was on the king's service.

(Close Roll: CCR 1302-7, p. 263.)

109. *c. 1306. Nineteen articles of accusation against Prior Richard de Hoton.*

In nomine domini amen. §Inter alia infrascribuntur summarie articuli proponendi contra fratrem Ricardum de Hoton, qui se gerit pro priore ecclesie Dunelmensis, citationem personalem de eo factam ex vestre sanctitatis officio presente in curia contingentes et alios etiam ipsius Ricardi crimina, excessus ac defectus.

§In primis quod idem Ricardus innodatus est publice maioris excommunicationis sentenciis, latis in eum auctoritate ordinaria venerabilis patris domini A. Dunelmensis episcopi generaliter et per eum specialiter et nominatim, pro eo quod visitationem canonicam opsius episcopi temere impedivit (et fecit impedire)[1] eidem Episcopo, ac visitationi sue predicte se pertinaciter opposuit et minus iuste, ac contra iura et libertates episcopi et ecclesie Dunolmensis eam contumaciter subire et admittere recusavit. Quas excommunicationis sentencias per sex annos et ultra sustinuit et adhuc sustinet, animo indurato.

§Item, idem Ricardus conspiracionis et coniuracionis crimine est irretitus, pro eo quod cum monachis suis complicibus conspiravit, interpositis iuramentis, quod dictam visitationem prefati episcopi inpedirent, et sub pena excommunicationis mandavit eisdem ne statum personarum et rerum . . capituli seu conventus Dunolmensis in visitatione huiusmodi revelarent.

§Item, conspiravit cum baronibus et militibus ac aliis tenentibus et vassallis dicti episcopi Dunelmensis, quod assistentes sibi contra dictum episcopum visitationem suam predictam impedirent, prestitis etiam super hoc super corpus sancti Cuthberti corporaliter sacramentis: inter quos idem Ricardus primo iuravit.

[1] Words in brackets have been inserted in the draft.

§Item, idem Ricardus nota periurii est irretitus, pro eo quod existens personaliter coram dicto episcopo Dunolmensi, parato procedere ad sue visitationis actum in capitulo suo, et supplicans sibi super lectura unius cedule dari silencium, iuravit in verbo sacerdocii, manu ad pectus prius apposita, quod nichil aliud ibidem legeretur nisi unum procuratorium; et statim unus monachorum suorum de precepto suo legebat publice unam provocationem et appellationem, contra iuramentum predictum.

§ Item, tempore administrationis ipsius Ricardi collapsa est et dissoluta religio in prioratu Dunolmensi, tam circa celebrationem et officium divinorum quam circa silencium et modum puniendi excessus delinquencium monachorum, quos fovebat et fovet scienter et promovit. Monachi etiam sui, ipso sciente et permittente, dissolute vixerunt et vivunt ut laici, discurrentes in venatione clamosa, aliquando in habitu laicali et nonnunquam monachali, aliis etiam actibus inhibitis et non regularibus (se) inmiscentes.

§Item, rixas et discordias monachorum suorum et fratrum non sedavit cum potuit, qui sub eo post verba ad verbera etiam in dormitorio processerunt. Monachos etiam super lapsu carnis et incontinencia publice diffamatos, et alios etiam notorie fornicatores et in capitulo suo coram eo super hoc confessos, non correxit set reliquit inpunitos.

§Item, solitas hospitalitatem et elemosinam subtraxit suis temporibus, et sine consensu conventus sui seu capituli in usus suos proprios convertabat, et alia etiam ad usus certos deputata in ultimis voluntatibus defunctorum; sic excommunicationis sentenciam latam et promulgatam in statutis bone memorie Otteboni quondam sedis apostolice legati generalis in Anglia dampnabiliter incurrendo.[1]

§Item, monachos Dunolmenses affectantes dictam visitationem ipsius episcopi et ex causa eiusdem visitationis ad sedem apostolicam iter arripientes veniendi, per laicalem potestatem capi fecit et per laicos criminaliter accusari et in carcere diu detineri, excommunicationis maioris sentenciam latam a canone sic incurrendo.

§Item, alios monachos Dunolmenses assistentes eidem episcopi et eius visitationem affectantes capi propterea fecit ac incarcerari et

[1] This does not occur among the constitutions of Ottobon as printed in Wilkins, *Concilia* II, 1-19. The nearest statute seems to occur among the decrees of the Synod of Exeter (1287), cap. 50: *ibid.*, pp. 155-7.

affligi in carcere adeo quod aliqui eorum inhumaniter sunt in carcere interempti.

§Item, quod idem Ricardus traxit et trahi fecit . . archidiaconum Dunolmensem invitum ad curiam secularem super violenta manuum iniectione, ut dicebat, et aliis iniuriis quas ad magnam peccunie summam estimavit, ac dictum archidiaconum allegentem exceptionem fori et privilegii clericalis, quia ibidem super hoc noluit respondere, petiit et obtinuit incarcerari et in carcere detineri per potenciam laicalem; dictumque archidiaconum alias coram iudice seculari tractum invitum in sexaginta et decem marcis sibi fecit condempnari, et nichilominus incarcerari et in carcere detineri per potenciam laicalem.

§Item, idem Ricardus personaliter traxit dictum episcopum et trahi fecit invitum ad curiam secularem super dicta visitatione et articulis ipsam contingentibus et per eundem Ricardum alias sedi apostolice suggestis. Et super hiis ad instanciam suam optinuit inquisicionem fieri per laicos contra episcopum supradictum, et alias in curia seculari peciit eundem episcopum, tractum ibidem et invitum, in quadringentis libris, occasione quarumdam actionum personalium, sibi condempnari.

§Item, idem Ricardus traxit et trahi fecit ad curiam secularem magistrum Robertum de Baldok, clericum, et alios clericos et laicos super actionibus personalibus, et contra eos seu eorum aliquem procedi procuravit per iudices seculares usque ad utlagationem, que in se habet penam sanguinis.

§Item, idem Ricardus dedit unum calicem aureum, precii centum librarum sterlingorum vel circiter, archiepiscopo Eboracensi qui tunc fuit[1] et alias donationes inmensas fecit aliis tam clericis quam laicis, et varias concessit annuas et graves pensiones ad fovendum eum et causam suam contra episcopum super modo visitandi iuxta consuetudinem pro parte sua allegatam et propositam, que per felicis recordationis Bonifacium papam VIII predecessorem vestram tanquam minus legitima et irracionabilis reprobatur, prout in constitucione super hoc facta apparet evidenter.

§Item, idem Ricardus, suspensus auctoritate apostolica et ex officio vestro ab administracione spiritualium et temporalium prioratus

[1] Thomas de Corbridge (1300-4).

Dunolmensis, administrationi eorumdem temeritate propria se inmiscuit, dicta suspensione durante, cuius scienciam et noticiam habebat, in contemptum sedis antedicte.

§Item, idem Ricardus mandatis apostolicis factis super denunciatione dicte suspensionis et executione ac commissione administrationis dictorum bonorum inobediens fuit et rebellis cum aliis monachis suis complicibus, adeo quod in ecclesia Dunolmensi, huiusmodi rebellionis occasione auctoritate apostolica interdicta, scienter et publice missam celebravit, in anime sue periculum et dicte sedis contemptum ac scandalum plurimorum.

[1]§Item, idem Ricardus iuri, si quid habebat in prioratu
m.2. Dunelmensi, sponte, pure et libere in manibus[2] dicti episcopi renunciavit, et etiam appellationibus etc.

§Item, prefatus Ricardus predictarum excommunicationum sentenciis innodatus, ut premittitur, scienter et dampnabiliter se inmiscuit divinis sicut prius, et sic irregularis adhuc se inmiscet.

§Item, idem Ricardus bona ipsius prioratus Dunolmensis tam mobilia quam inmobilia dilapidavit, alienavit et consumpsit, ac prioratum Dunolmensem quem opulentum invenit, in magnis peccuniarum summis creditoribus variis obligavit: licet proventus et fructus ac decimas ecclesiarum suarum et maneriorum pre manibus vendiderit et peccuniam receperit pro eisdem. Que dilapidationes necnon et alia plura crimina et defectus possunt plene et incontinenti declarari[3] et plenius declarantur in articulis formatis et tradendis auditori quem super predictis et aliis criminibus, excessibus et defectibus predicti Ricardi sanctitas vestra deputare speratur, set brevitatis causa ista tam brevia dantur ad presens.

§Et si predictus frater Ricardus, iuramento prius ab eo prestito, ex officio vestro requisitus premissa vel eorum aliqua confessus non fuerit, in curia probari possunt per testes et instrumenta.

§Preter hec est persona in curia sanctitatis vestre que scit et cognoscit quam turpiter et indecenter inmiscuit se et inmiscet divinationibus et sortilegiis ac faturationibus et maleficiis; super quibus si vestra sanctitas eandem personam requisierit, ab ea scire poterit veritatem.

[4]§Item, quod dictus R. fuit et est sacrilegus, divinator, faturator

[1] Inserted in different hand.
[2] No. 73 *supra*.
[3] *declararari* in MS.
[4] Inserted in different hand.

et maleficus, et divinationibus, sacrilegiis et maleficiis se inmiscuit et inmiscet.

[1]§Item, quod de predictis et quolibet predictorum fuit et est in illis partibus (apud Dunolmum et alibi) publice [per] (bonos et graves) diffamatus.

[1]§Item, quod de predictis et quolibet predictorum est et fuit in illis partibus publica vox et fama.

[1]§Item, quod predicta et quodlibet premissorum sunt et fuerunt in illis partibus publica et notoria.

m.1d. [2]§Item, idem Ricardus fuit et est tali periurio irretitus, pro eo videlicet quod in vocatione (?) sua ad dictum prioratum per episcopum Dunolmensem, iuravit ut tenebatur esse obediens episcopo Dunolmensi sive successoribus in canonicis et licitis mandatis, et prout supra articulatur inobediens fuit (eidem) episcopo Dunolmensi, cui iuraverat obedienciam, etiam visitationem suam canonicam, et suis mandatis canonicis, contra iuramentum predictum.

§Item, est et fuit alio periurii crimine irretitus, pro eo quod cum iurasset in anima sua sicut tenetur monasterium suum conservare indempne, quanta expenduerit (*sic*), dissipaverit et consumpserit de bonis ipsius monasterii et dampna sibi dederit, contra iuramentum suum, experiencia facti manifestat; dum questionem illam motam per eum con[tra] episcopum suum racione visitationis de qua predicitur per sex annos et ultra tam in Curia Romana quam in Curia domini Regis Anglie et in Curia Eboracensi sustinuerit . . . scienter et maliciose, contra iuramentum predictum.

§Item, idem Ricardus a possessione facti quam detinet in Prioratu Dunolmensi, (pretextu cuiusdam restitutionis eo facte, et de facto non de iure), amovendus est pro eo quod, tacito de renuntiationibus et iuramentis suis, periurio illa restitutio fuit optenta, et sic non valuit quod per tales litteras fuit actum, tanquam per surreptitias.

§Item, eidem fratri Ricardo predicta restitutio prodesse non potest neque debet, nam volun[tas] fuit domini Bonifacii pape octavi ut per suam litteram restitutoriam[3] clare pa[tet] quod dictus frater

[1] Inserted in different hand.

[2] The dorse of this roll is badly rubbed, and the first article is wholly illegible. The hand is that of the previous insertions.

[3] *Reg. Boniface VIII*, III no. 4296, cols. 243-6.

Ricardus iniquitatem sue depositionis (seu privationis facte per episcopum . . .) prosequeretur, et quod dictus episcopus defenderet eamdem privationem si vellet. Idem autem R[icardus] extunc impugnacionem dicte privationis non est aliquatenus prosecutus; tamen multa tempora (VI annorum videlicet et ultra) sunt elapsa: et sic (cum) appareat eum ius in Prioratu nostro predicto relinquere, quia facti possessio sine (iure) proprietatis ipsum iuvare non possit, cum [pro]ficia ecclesiastica sine proprietate non debeant possideri; ex cuius reatione maxi[mum] fuit et inminet animarum periculum monachorum eiusdem monasterii, quos ipse ut per premissa patet non potest solvere nec ligare, nec etiam alia que ad administrationem [spect]ant in spiritualibus vel in temporalibus excercere.

(Draft roll: Durham, 1a.9e. Pont. 10.)

110. *26 Jan. 1306. Nevers. Protection to bp. as crusader by pope Clement V.*

The bp. having assumed the Cross is taken under the protection of the pope.

(*Reg. Clement V,* I, no. 722, p. 125.)

111. *26 Feb. 1306. Lyons. Pope Clement V appoints Antony, bp. of Durham, as patriarch of Jerusalem.*

Antony, bp. of Durham is appointed patriarch of Jerusalem on death of Ralph (bp. of Brindisi), with dispensation to hold the bpric. of Durham "in commendam".[1] The pallium is transmitted to him by Napoleon of St. Hadrian, Landulf of St. Angelus, James of St. George *ad Velum Aureum*, Richard of St. Eustace and Luke of St. Mary *in Via Lata,* cardinal deacons.

(*Reg. Clement V,* I, no. 305, pp. 53-4; RPD I, 599-601.)

112. *5 March 1306. St. Cyr by Lyons. Pope Clement V appoints Antony, pat. and bp., as administrator of convent of Durham.*

Clemens Episcopus, servus servorum dei, venerabili fratri Antonio Patriarche Jerosolimitano ac Dunolmensi Episcopo salutem et apostolicam benediccionem. Ad audienciam nostram fama publica deferente pervenit quod Ricardus de Hoton qui pro Priore Dunol-

[1] Ralph apparently held the bpric. of Brindisi "in commendam". *Reg. Clement V*, I, no. 641, p. 115.

mensi se gerit, religionis abiecta modestia, diversis est criminibus irretitus; inter cetera bona Prioratus monasterii Dunolmensis tam spiritualia quam temporalia dilapidavit et adhuc dilapidat et consumit sic prodigaliter quod in eodem monasterio quod pre aliis monasteriis regni Anglie clarere religione et affluere rerum abundancia consuevit, religionis observancia profugata, sublata hospitalitas et elemosina in tantum defraudata noscuntur, quod nisi ei celeri remedio succurratur, vix adiceret ut resurgat. Propter quod nos hoc nolentes sicuti nec debuimus coniventibus oculis pertransire, eundem Ricardum ab administracione bonorum spiritualium et temporalium dicti Prioratus duximus suspendendum, ac de tue circumspeccionis industria plenam in domino fiduciam optinentes, fraternitati tue administracionem et curam Prioratus eiusdem tam in spiritualibus quam in temporalibus presenti auctoritate committimus, per te vel alium seu alios usque ad apostolice sedis beneplacitum excercendas. Quocirca fraternitati tue per apostolica scripta mandamus quatinus curam et administracionem huiusmodi sic prudenter sicque utiliter studeas excercere quod idem Prioratus sub tua cura refloreat et optato restauracionis patrocinio pociatur, tuque preter divine retribucionis premium, nostram et apostolice sedis graciam exinde consequi uberius merearis. Dat' apud Sanctum Ciricum prope Lugdon' III° Non' Martii, Pontificatus nostri anno primo.

(Roll of papal rescripts concerning deprivation of pr. Hoton: Durham, (Loc. 7, no. 141). Calendared: *Reg. Clement V*, I, no. 394, p. 77.)

113. *10 March 1306. Massay, Cher (France). Appointment of bro. Henry de Luceby as proctor to administer the convent of Durham in accordance with above (no. 112).*

In nomine domini amen. Anno eiusdem M°CCC°VI° secundum cursum ecclesie Romane et indiccione quarta,[1] decimo[1] die mensis Marcii, pontificatus domini Clementis divina providencia pape quinti anno primo, venerabilis pater dominus Antonius, permissione divina patriarcha Jerosolomitanus et episcopus Dunolmensis ac in spiritualibus et temporalibus prioratus Dunolmensis administrator et curator auctoritate apostolica deputatus, in mei notarii presencia et testium subscriptorum personaliter constitutus, fecit, constituit et ordinavit

[1] Written together in MS. as *quartodecima*.

dilectum sibi in Christo fratrem H[enricum] de Lusceby, monachum prioratus Dunolmensis predicti, suum verum et legitimum procuratorem et nuncium specialem, dans et concedens eidem plenam et liberam potestatem et mandatum speciale nomine suo et pro ipso administracionem et curam bonorum spiritualium et temporalium prioratus supradicti petendi, recipiendi, admittendi et exercendi; fructus, proventus, obvenciones et redditus dicti prioratus et ad ipsum prioratum spectantes et pertinentes nomine quo supra integraliter percipiendi; ac eciam omnia et singula faciendi que ad administracionem et curam spiritualium et temporalium bonorum prioratus predicti de iure seu consuetudine requiruntur, secundum verbi formam et tenorem mandati et commissionis sedis apostolice eidem Patriarche episcopo et administratori[1] in hac parte factorum; pro eodem insuper patriarcha episcopo administratore et curatore et eius nomine in omnibus causis, negociis et querelis ipsum qualitercumque contingentibus, coram quibuscumque iudicibus ordinariis, delegatis et eorum commissariis, quibuscumque diebus et locis, quociens ipsum abesse contigerit vel adesse, agendi, defendendi, excipiendi, replicandi, litem contestandi, iuramentum de calumpnia et de veritate dicendi et quodlibet genus liciti sacramenti in animam suam prestandi, ponendi, posicionibus respondendi, testes et instrumenta producendi, provocandi et appellandi, apostolos petendi et recipiendi, provocaciones et appellaciones innovandi et notificandi, status sui reformaccionem et in integrum restitucionem, expensas, dampna et interesse nomine quo supra petendi et recipiendi et super eisdem in animam suam iurandi, unum vel plures procuratorem vel procuratores loco sui ad premissa omnia et infra scripta substituendi, substitutum vel substitutos ab eodem revocandi et officium procuratoris in se reassumendi et procurandi, et generaliter omnia et singula faciendi et excercendi in iudicio et extra que ipsemet facere posset si presens esset, eciam si mandatum exigant speciale. Et volens dictum procuratorem suum et substitutum vel substitutos ab eodem ab omni honere (*sic*) satisdandi relevare, promisit michi notario infrascripto, stipulanti nomine et vice omnium quorum interest et interesse poterit, se ratum et firmum perpetuis temporibus habiturum quicquid per dictum procuratorem suum vel eius substitutum factum fuerit nomine quo supra in premissis seu quolibet

[1] *adadministratori* in MS.

premissorum, necnon iudicio sisti et iudicatum solvi in omnibus suis clausulis sub ypoteca et obligacione omnium bonorum suorum. Acta fuerunt hec apud Masticon[1] in hospicio dicti patris, anno domini, indiccione, die, mense et pontificatu predictis, presentibus etc.

(Contemp. memorandum of appeals by convent against bp.: Durham, Loc. 7, no. 50.)

114. *26 March 1306. Nevers. Faculty from Clement V to Bek to use pallium of his patriarchate.*

Papal licence for A. to use his pallium not only within the patriarchate of Jerusalem but also in Durham and in other cathedral and collegiate churches where he may chance to be.

(*Reg. Clement V,* I, no. 721, p. 125.)

115. *26 March 1306. Nevers. Pope Clement V exempts Bek from personal obedience to archbp. of York.*

By reason of his patriarchate of Jerusalem Bek is exempt from all jurisdiction of the ordinary, and is immediately subject to the pope. Clement V grants that in addition he may be released personally for life from the jurisdiction of the archbp. and church of York, although as bp. of Durham he is a suffragan of the latter. His official(s) or vicars in Durham however are still bound to respect the archbp., chapter and church of York, who are not to be prejudiced in respect of succeeding bps. of Durham by this exemption.

(*Reg. Clement V,* I, no. 822, p. 145.)

116. *5 April 1306. Bourges. Three papal faculties to grant dispensations to clerks to hold in plurality.*

(a) Clement V allows A. patriarch and bp. to grant to four clerks, his relatives (*eius nepotibus vel consanguineis*), dispensation each to hold a plurality of cures to a total annual value of £300. They are to be permitted to acquire further benefices provided that the total value does not exceed this amount.

(b) Clement V allows A. patriarch and bp. to grant to four clerks who are not in priestly orders dispensation for holding benefices.

(c) Clement V allows A. patriarch and bp. to grant to two of his

[1] *Rectius, Massiacum,* viz. Massay, dept. Cher, France.

clerks dispensation each to hold a plurality of cures to a total annual value of 200 marks. Should their present benefices be worth less, they may accept additional ones till they reach this total.

(*Reg. Clement V*, I, nos. 441-3, p. 85. (c) printed in RPD I, 527-8.)

117. *20 July 1306. Cowick, Yorks. Dispensation to Roger de Waltham in accordance with papal faculty* (*no. 116c.* supra.)

In virtue of the papal privilege, A. patriarch and bp. grants leave to Roger de Waltham, canon of London and Darlington, and rector of Long Newton (*Langeneuton*) to hold cures additional to Long Newton, worth 30 marks annually, to the total annual value of 200 marks. Written by the hand of Richard de Ganyo, clerk and notary, and sealed at *Cowyk*, dioc. York. Witnesses: John de Barneburgh, perpetual vicar of Lesbury (*Lecebyry*), and Walter called "Wadyn" of Waltham, clerk.

(Inspected by bp. Kellawe, 23 March 1314: RPD I, 527-30.)

118. *14 Aug. 1306. Northallerton. Augmentation of grant to Gilbert de Scaresbek.*[1]

Omnibus Christi fidelibus hoc scriptum visuris . . . Antonius permissione divina ecclesie sancte Jerosolomitane patriarcha et episcopus Dunolmensis salutem . . . Cum nuper dederimus . . . dilecto et fideli nostro Gilberto de Scaresbek pro laudabili servicio suo nobis et ecclesie nostre inpenso sexies viginti acras terre vasti nostri subtus Schedeneslaw versus boscum iuxta Birteley ex parte una et Eghton ex parte altera, nos uberiorem graciam eidem Gilberto facere volentes concedimus pro nobis . . . quod predictus Gilbertus et heredes sui habeant liberam communam pasture cum omnimodis averiis suis propriis in boscis nostris de Birteley et Gatisheued et eciam in mora de Gatisheued, adeo libere et quiete sicuti aliqui alii liberi liberius feoffati habent vel habere poterunt in predictis moris et boscis: salvo nobis . . . approviamento nostro pro voluntate nostra. In crt. . . . Hiis testibus: dominis Stephano de Malo Lacu, archidiacono Clivelandie, magistro Willelmo de sancto Botulpho, archidiacono Dunolmensi, Petro de Thoresby, Hugone de Louther, Johanne de Sotyll', militibus; Ricardo de Stanlawe, Johanne de Saundone et aliis. Dat' apud Aluirton quartodecimo die Augusti, anno domini Millesimo

[1] *Vide* no. 106 *supra*.

Triscentesimo (*sic*) sexto, patriarchatus nostri primo et consecracionis nostre vicesimo tercio.

(Conf. by pr. and c. of Durham, 10 Dec. 1308; Durham, Misc. Charter 367. Copies of conf.: Durham, Misc. Charter 7125*g*.; Reg. I ii, f. 31.)

119. *Jan. 1307. Carlisle. Petition of the bp's. ministers before parliament touching Durham administration during the confiscation of the liberty.*

The bailiffs of the bp. bring the following complaints before the king's council. On the seizure of the liberty into the king's hand the (royal) keeper prevented the bp. having his Court Baron as other free men. Further, the keeper levied by distress grain worth £40 and more for maintenance of the royal coroners and underbailiffs from the bp's. bondsmen, but from no other free men or villeins. He took into the king's hands the boroughs (*viles de Burgh'*) of the bpric., namely, Durham, Darlington, and Auckland, with their markets and tolls; held their courts and appropriated their profits: with the result that the bp's. bailiffs had been unable to execute two royal writs of right concerning two burgages in Durham. He also had taken into the king's hand the manor of Sadberg with its wapentake, although it was of recent purchase from the king's ancestors, quite separate from the royal franchise.

Endorsed: Quod mitteretur sub pede sigilli Cancellarii Rogero le Brabanzon et sociis suis etc. coram quibus iudicium redditum fuit de regali libertate capienda in manum domini Regis et ipsi super hoc ordinarent remedium competens quo ad omnes istos articulos etc.

(Enrolled: PRO., Coram Rege Roll, Easter, 35 Edw, I, m. 54. Printed from Vetus Codex: *Rot. Parliamentorum* I, 205.)

120. *29 July 1307. Carlisle. Licence by pat. and bp. for pr. and c. of Carlisle to appropriate the second moiety of the church of Whittingham.*

Antonius permissione divina sancte Jerosolomitane ecclesie patriarcha et episcopus Dunelmensis dilectis in Christo filiis . . Priori et Conventui ecclesie cathedralis Karlioliensis salutem, graciam et benediccionem. Licet ex officii pastoralis debito ac paterne com-

passionis affectu subditorum oppressionibus succurrere teneamur, pro vestris tamen incommodis amovendis eo cogitare propensius astringimur, quo vos in vinea domini per regulares observancias deo placabiles, hospitalitatem honorabilem et alia multiplicia caritatis opera novimus vigilancius laborare. Sane ad lamentabilem statum ecclesie vestre Karlioliensis predicte per repentini incendii voraginem iam consumpte, necnon et alia loca vestra nonnulla per sevientem Scottorum incursum, depredaciones innumeras et hostiles invasiones eorumdem multiplices in favillam et cineres, prothdolor, iam redacta, aliis bonis vestris penitus sic consumptis quod ad sustentacionem vestram, reparacionem ipsius ecclesie et onera incumbencia facultates quas in presenti habetis sufficere non poterunt ut deceret, oculos nostros compassionabiliter dirigentes, intimeque pensantes quod ob cotidianum adventum regalis exercitus per nos[1] ac frequentem aliorum superveniencium concursum onerosum vestra hospitalitas que ad premissa minus sufficit plus solito aggravatur, inducimur obnixius et artamur ut in tanta necessitate ob celeriorem reparacionem ipsius ecclesie sustentacionemque vestram per bonorum temporalium incrementum vobis et ecclesie vestre iamdicte quatenus possimus congrue succuramus. Invocato igitur Christi nomine, medietatem ecclesie de Quitingham, nostre dyocesis Dunolmensis, cuius rector dominus Johannes de Kirkeby esse dinoscitur in presenti, cum omnibus suis iuribus et pertinenciis in usus vestros proprios possidendam ob causas predictas ecclesie vestre predicte, vobisque et successoribus vestris conferimus, concedimus, auctoritate pontificali specialiter donamus et appropriamus perpetualiter per presentes: volentes et concedentes ut cedente vel decedente domino Johanne de Kirkeby, ipsius medietatis nunc rectore prefato, possessionem et proprietatem eiusdem auctoritate vestra libere ingredi et in usus vestros proprios integraliter retinere valeatis, assensu nostro vel successorum nostrorum seu aliorum cuiuscumque sint condicionis vel status minime requisito; salva in omnibus vicaria ac eciam iure vicarii et vicarie, prout in aliis ecclesiarum appropriacionibus est hactenus fieri consuetum. Confirmamus insuper et ratificamus per presentes appropriacionem de alia medietate ecclesie de Quitingham sepefate, prout vobis rite et canonice per predecessores nostros facta fuit. In quorum premissorum omnium et singulorum testimonium

[1] *vos* in MS.

has litteras nostras fieri fecimus patentes, sigilli nostri patriarchalis cum sigillo nostro episcopali indorsato munimine roboratas. Dat' Karleol' vicesimo nono die mensis Julii, anno domini millesimo tricentesimo septimo, patriarchatus nostri secundo et consecracionis nostre vicesimo quarto.

(Contemp. copy of conf. by pr. and c. of Durham, 7 Oct. 1308[1]: Durham, Misc. Charter 7125*i*. Copies: Durham, Misc. Charter 7125*j*; Reg. I ii, f. 32v.)

121. *4 Sept. 1307. Carlisle. Restoration to pat. and bp. by Edward II of franchise of Durham, with certain reservations.*

The liberty of Durham having lately been taken into the king's hand for various reasons by judgment of the court of the king's father, where it remained until his death, the king, though free to retain it during the life-time of A. patriarch of Jerusalem and bishop of Durham, of special grace, in honour of St. Cuthbert and from long regard for the bishop (*sic*), restores the liberty wholly (*integraliter*) to him and his successors, bps. of Durham, saving the rights of the Crown and cognizance of all pleas now pending undetermined in the courts of the liberty. The king also reserves cognizance of a plea of trespass wherein Guy de Beauchamp, earl of Warwick, complains that before this restoration the bp. and his men harried his lands within the bpric., shortly after the death of the king's father: *cum dictus Comes voluerit inde loqui.*[2]

By writ of privy seal.

(Patent Roll: CPR 1307-13, p. 2; *Foedera* II i, 5.)

122. *2 Oct. 1307. Somerton. Licence by pat. and bp. for pr. and c. of Hexham to appropriate the church of Stamfordham and to serve it by a canon of that house.*

Antonius permissione divina sancte Jerosolimitane ecclesie patriarcha et episcopus Dunolmensis Religiosis viris . . Priori et conventui ecclesie de Hexildesham ordinis sancti Augustini, Eboracensis diocesis, salutem, graciam et benediccionem. Licet ex officii pastoralis debito . . . (as no. 120) . . . Sane ad lamentabilem statum

[1] This was later used as a form of confirmation, and partially erased and amended accordingly.

[2] *Vide* Appendix C.

ecclesie vestre ac Monasterii vestri predicti per repentini incendii voraginem iam consumpti . . . (as no. 120) . . . ac frequentem aliorum superveniencium apud vos in Marchia constitutos concursum undique onerosum, hospitalitas vestra que ad premissa minus sufficit plus solito aggravatur, inducimur obnixius et artamur, ut in tanta necessitate ob celeriorem reparacionem ipsius ecclesie et monasterii vestri decorem cultusque divini augmentum per bonorum temporalium incrementum vobis et ecclesie vestre ac monasterio vestro predicto, quatenus sine lesione iuris nostri episcopalis possumus, congrue succurramus. Habito igitur super hiis tractatu sollempni et diligenti qui in talibus requiritur, invocato Christi nomine, ecclesiam de Stanfortham parochialem et curatam nostre diocesis Dunolmensis, cuius estis advocati et patroni prout apparet per cartam clare memorie Edwardi nuper regis Anglie vobis inde confectam,[1] cuius eciam ecclesie vir discretus dominus Ricardus de Drokenesford rector existit in presenti, cum suis iuribus et pertinenciis universis in usus vestros proprios perpetuo habendam, tenendam et possidendam ecclesie ac domui vestre predicte vobisque et successoribus vestris ob causas predictas auctoritate pontificali conferimus, concedimus, donamus et appropriamus per presentes; volentes et concedentes ut cedente vel decedente domino Ricardo nunc rectore dicte ecclesie supradicto, proprietatem et possessionem eiusdem ecclesie de Stanfortham auctoritate vestra libere ingredi et in usus vestros proprios integraliter retinere valeatis, consensu nostro . . . minime requisito. Vobis nichilominus ex uberioris dono gracie concedentes, ut vicariam que alias in dicta ecclesia de Staunfortham sic vobis per nos appropriata, cedente vel decedente rectore, per nos vel successores nostros esset alias de iure communi ordinanda, simul cum dicta ecclesia integraliter cum suis iuribus et pertinenciis universis vobis liceat retinere per vos in vestros usus proprios perpetuo convertendam. Ne tamen dicta ecclesia parochialis de Stanfortham debitis obsequiis defraudetur set quod laudabiliter deo serviatur in eadem, volumus et ordinamus per hec scripta quod tempore cessionis aut mortis dicti domini Ricardi nunc rectoris ipsius ecclesie de Stanfortham ac alias quandocumque ipsam

[1] The right to present to Stamfordham had been disputed at law between the king, the bp. of Durham and the pr. of Hexham. It was finally decided in favour of the king, who conferred his rights on the priory. *Memoranda de Parliamento*, pp. 6-8: cf. *History of Northumberland*, Vol. XII, pp. 280-1.

ecclesiam vacare contigerit, per aliquem de concanonicis vestris nobis et successoribus nostris qui pro tempore fuerint per vos presentandum, et per nos et successores nostros admittendum et instituendum vicarium in eadem, cura dicte ecclesie parochialis diligenter agatur et excerceatur. Qui quidem canonicus sic institutus nobis de spiritualibus, vobis autem de temporalibus respondebit, ac omnia onera dicte vicarie incumbencia sustinebit; iure, iurisdiccione et auctoritate tam diocesana quam alia ordinaria quacumque semper salvis. In quorum omnium testimonium has litteras nostras manu Ricardi de Ganyo, notarii puplici infrascripti, scribi et vobis fieri fecimus patentes sigilli nostri patriarchalis cum nostro sigillo episcopali indorsato munimine roboratas. Act' et Dat' apud Somerton, secundo die Mensis Octobris, anno domini Millesimo Tricentesimo septimo, Indiccione VI, pontificatus domini Clementis divina providencia pape quinti anno secundo, patriarchatus nostri secundo et consecracionis vicesimo quarto, presentibus discretis viris domino Stephano de Mauley, archidiacono Clivelandie et magistro Johanne de Insula, iuris civilis professore, canonico Aucland', testibus ad premissa vocatis specialiter et rogatis. Et ego Ricardus natus quondam Henrici de Ganyo, clericus Coventrensis et Lichefeldensis diocesis, apostolica et imperiali auctoritate Notarius puplicus, predictis omnibus una cum dictis testibus presens interfui et ea omnia ut suprascribuntur fieri vidi et audivi, ipsaque omnia de mandato venerabilis patris domini Antonii, dei gracia sancte Jerosolimitane ecclesie patriarche et episcopi Dunolmensis, propria manu scripsi rogatus in hanc puplicam formam redegi meumque signum apposui consuetum.

(Conf. by pr. and c. of Durham, 2 Jan. 1309: Durham, Misc. Charter 6581. Registered: Reg. I ii, ff. 29v.-30.)

123. *5 March 1308. Durham. Quit-claim to bp. by John son of John de Maidenstane of all rights in Thorpe Thewles.*

Omnibus Christi fidelibus ad quos presens scriptum pervenerit Johannes filius Johannis de Maydenstanes salutem in domino sempiternam. Noveritis me remisisse, relaxisse et omnino pro me et heredibus meis quietum clamasse imperpetuum domino Antonio Dunolmensi episcopo et heredibus suis totum ius et clamium que habeo vel habui vel aliquo modo ex nunc habere potero in Manerio

de Thorptheules cum pertinenciis, quod quidem Manerium implacitavi coram iusticiariis domini Regis in Episcopatu Dunolmensi[1]: ita quod nec ego predictus Johannes filius Johannis, nec heredes mei nec aliquis per nos, pro nobis aut nomine nostro aliquid iuris vel clamii in predicto Manerio cum pertinenciis vel in aliquibus dicto Manerio spectantibus decetero exigere, habere vel vendicare poterimus imperpetuum. In crt. . . . Hiis testibus: Johanne Schirlok, Galfrido de Malton, Johanne Breton, Willelmo Ykemond de Dunelmo, Radulpho de Warshop', Galfrido Priour, Adam Couper et multis aliis. Dat' apud Dunolmum quinto die Mensis Marcii, anno domini M°CCC° septimo.

(Original: B.M., Cart. Cott., XII, 48.)

124. *5 April 1308. Boroughbridge. Letter of credence from pat. and bp. in favour of mr. John de Insula.*

Antonius permissione divina sancte Jerosolimitane ecclesie Patriarcha et Episcopus Dunelmensis dilectis in Christo filiis fratri H[enrico] de Teysedale suppriori et conventui nostro Dunelmensi salutem, graciam et benediccionem. Vobis iniungimus et mandamus quatinus clerico nostro dilecto magistro Johanni de Insula in exponendis vobis ex parte nostra quo ad certas personas ad certa beneficia presentandas fidem adhibeatis, ea effectui mancipantes. Bene valete. Dat' apud Pontem Burgi sub sigillo nostro patriarchali privato, quinto die Aprilis, patriarchatus nostri anno tercio et consecracionis nostre XXV.

(Original: Durham, Misc. Charter 4245.)

125. *27 May 1308. Windsor. Restoration to pat. and bp. by Edward II of franchise of Durham, saving cognizance of one suit.*

Lately the king restored to A., pat. and bp., the "liberty of the church of Durham" taken into the late king's hand by judgment of court; saving to the Crown cognizance of various suits (*cf.* no. 121 *supra*). The king now grants that the bp. and his successors may hold the liberty as before the seizure, saving cognizance of the plea begun in the king's court between Ralph son of William and Geoffrey de Hertelpol.

(Patent Roll: CPR 1307-13, p. 75; *Foedera* II i, 47.)

[1] *Vide* Introduction, p. XV.

126. *27 May 1308. Windsor. Restoration to pat. and bp. by Edward II of manor of Wark on Tyne for life.*

The late king recovered by judgment of his court the manor of Wark on Tyne (*Werk in Tyndale*) against A. patriarch of Jerusalem and bp. of Durham. In view of the services rendered by the latter *tam dicto patri nostro quam nobis*, the king restores to him the manor to hold by the usual service for life.

(Patent Roll: CPR 1307-13, p. 75; *Foedera* II i, 47.)

127. *3 June 1308. King's Langley, Herts. Writ of Edward II to bp. to show justice to John son of John of Durham.*

Edwardus dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitanie venerabili in Christo patri Antonio eadem gracia Episcopo Dunelmensi salutem. Monstravit nobis Johannes filius Johannis de Dunelmo quod Ricardus de Stanelawe, vicecomes vester Episcopatus predicti, et alii ministri vestri ibidem quadraginta libratas terre ipsius Johannis cum pertinenciis in Dunelm', Neuton et Herinton infra libertatem vestram Episcopatus predicti nuper in manum vestram absque causa racionabili seisiverunt, terram illam adhuc occupando, et bona et catalla sua ad valenciam ducentarum librarum ibidem inventa ceperunt, et ea ei adhuc detinent, in ipsius Johannis dispendium non modicum et exheredacionis periculum manifestum; et vos, licet per predictum Johannem super excessibus et transgressionibus predictis emendandis pluries fuissetis requisiti, emendas tamen aliquas sibi in hac parte facere totaliter recusastis. Nos igitur eidem Johanni, sicut et aliis de regno nostro, in huiusmodi oppressionibus suis subvenire volentes ut tenemur, vobis mandamus sicut alias mandavimus quod super excessibus et transgressionibus predictis, si perpetrati fuerint, debitas et tam celeres emendas prefato Johanni fieri faciatis, quod pro defectu iusticie clamor ad nos inde non perveniat iteratus, per quod manus ad hoc aliter apponere debeamus; vel causam nobis significetis quare mandato nostro alias vobis inde directo minime paruistis. Teste me ipso apud Langele III die Junii, anno regni nostri primo.

Endorsed: Johannes filius Johannis de Dunolmo tenetur nobis in tres Centis libris et amplius de tempore quo fuit ballivus et firmarius noster ville nostre Dunolmi. Et ideo precepimus vicecomiti nostro Dunolmensi quod distringeret ipsum Johannem per

terras et catalla sua, et quod de exitibus nobis respondeat donec nobis satisfactum fuerit de debito supradicto; nec est aliqua seisina de terris et catallis suis aliter facta nec aliqua iniuria vel transgressio sibi facta per vicecomitem aut ministros nostros quod sciamus.

(Original: PRO., Chancery Misc. 97/4, no. 4; cf. Coram Rege Roll, Trinity 2 Edw. II, m. 34d.)

128. *12 Aug. 1308. Poitiers. Twenty-one mandates from Clement V to pat. of Jerusalem regarding procedure against the knts. Templar.*

Mandates in common form to pat. of Jerusalem:

(*a*) to publish the papal decree delivering the goods of the Templars to the ordinary of the respective places.

(*b*) to enquire against the Templars within his patriarchate.

(*c*) to act with the archbp. of York, the bps. of Lincoln, Chichester and Orleans, the ab. of Lagny, the ab. of St. Germain des Prés, mr. Sicard de Vauro, canon of Agen, papal chaplain, and Guy de Vichio, rector of Hayes (*Hoshe*), dioc. London, in enquiring into the affairs of the Templars in the province of Canterbury.

(*d*) to act with the above for a similar enquiry in the province of York.

(*e*) to act with the above[1] in person or by deputy for a similar enquiry in the province of Lund (Denmark).

(*f*) to act with the archbps. of York, Armagh, Dublin and Tuam, the bps. of Lincoln, Chichester and Orleans, the ab. of Lagny, the ab. of St. Germain des Prés, mr. Sicard de Vauro and Guy de Vichio in person or by deputy for a similar enquiry in these Irish provinces.

(*g*) to act with the above for a similar enquiry in the province of Cashel.

(*h*) to act with the archbp. of York, the bps. of Lincoln, Chichester, and Orleans etc. as in (*c*) in proceeding against the Templars in the province of York.

(*i*) to act with the above in similar proceedings in the province of Canterbury.

[1] Mr. Sicard de Vauro is here styled canon of Narbonne, papal chaplain and *nostri palatii auditor causarum*.

(*j*) to act with the above to enquire into the affairs of the Templars in the province of Trondheim, in consultation with the archbp. and suffragans of that province. Their enquiries are not to extend against the grand preceptor of the order in Norway, against whom the pope has instituted a special commission.

(*k*) to act with the above similarly in the province of Lund, in the same form.

(*l*) to act with the archbps. of York, Tuam, Dublin and Armagh, the bps. of Lincoln, Chichester and Orleans etc. as in (*f*) similarly in the province of Cashel, in the same form.

(*m*) to act with the archbps. of York, Tuam and Armagh, the bps. of Lincoln, Chichester, Orleans and St. Andrews etc. as above similarly in the province of Dublin. The archbp. [of Dublin], with certain of these, is to proceed with his suffragans in this matter.

(*n*) to act with the archbps. of York, Armagh and Dublin etc. as in (*f*) similarly in the province of Tuam, as above.

(*o*) to act with the archbps. of York, Tuam and Dublin etc. as in (*f*) similarly in the province of Armagh, as above.

(*p*) to act with the archbp. of York, the bps. of Lincoln, Chichester, Orleans and St. Andrews, the ab. of Lagny etc. as in (*c*) similarly in the dioceses of Scotland. The bp. of St. Andrews . . .

(*q*) to act with the archbp. of York, the bps. of Lincoln, Chichester, and Orleans etc. as in (*c*) to enquire against the Templars in the province of Trondheim and against the grand preceptor of the order in Norway.

(*r*) to act with the archbp. of York, the bps. of Lincoln, Chichester, Orleans and St. Andrews etc. as in (*c*) similarly in the dioceses of Scotland.

(*s*) to act with the archbps. of York, Armagh, Dublin and Tuam etc. as in (*c*) similarly in the province of Tuam.

(*t*) to act with the above similarly in the province of Armagh.

(*u*) to preserve and administer the goods of the Templars in England, together with the archbps. of Canterbury and York and the bp. of Lincoln.

(*Reg. Clement V*, II, nos, 3401, 3402, 3409, 3421, 3422, 3439, 3462, 3476, 3477, 3486-92, 3494-6, 3515.)

129. *12 Aug. 1308. Poitiers. Summons from Clement V to pat. of Jerusalem to attend the council of Vienne.*

Summons in common form to pat. of Jerusalem to attend with two suffragans a council at Vienne on 1 October 1310 to deal with the question of the Templars.

(*Reg. Clement V,* II, no. 3630, p. 395; summons to the archbp. of York printed in full, S.S. 152, pp. 311-18.)

130. *30 Sept. 1308. Waltham, Essex. Grant by pat. and bp. to Stephen de Mauley of lands in Cliffe, Yorks.*

Omnibus sancte matris ecclesie filiis ad quos presens scriptum pervenerit Antonius permissione divina sancte Jerosolomitane ecclesie patriarcha et episcopus Dunolmensis salutem . . . Noveritis nos dedisse . . . domino Stephano de Mauley, consanguineo nostro, archidiacono Clivelandie, pro homagio et servicio suo omnes terras nostras arabiles et prata que habuimus et tenuimus in proprio dominico nostro in villa de Cliffe, iacentes inter aquam que vocatur *Huse* ex parte una et campum de Osgoteby ex altera, inter culturam dicti domini Stephani que vocatur *Neuland* et Alnetun eiusdem Stephani et campum de Lounde ex parte una et calcetam de Rikdik' ex parte altera. Dedimus eciam et concessimus eidem domino Stephano piscariam nostram in aqua de Huse spectantem ad terras predictas, et quamdam culturam que vocatur *le Neskerre* iacentem inter terras dicti domini Stephani ex utraque parte, buctantem (*sic*) super campum qui vocatur *le Brokkes* versus orientem et super terram dicti domini Stephani versus occidentem. Habendas et tendendas omnes predictas terras et piscariam cum communa pasture et omnibus [libertatibus], commoditatibus et aisiamentis dictis terris spectantibus predicto domino Stephano et heredibus suis de nobis . . . episcopis Dunolm' libere . . . Reddendo inde annuatim nobis . . . ad scacarium nostrum de Houeden decem libras argenti ad quatuor anni terminos, videlicet [unam] partem ad festum sancti Michaelis Archangeli in Septembri, secundam partem ad festum sancti Andree apostoli, terciam partem ad dominicam in ramis palmarum et quartam partem [ad] festum nativitatis beati Johannis Babtiste; sustentando eciam et reparando pro nobis . . . sumptibus propriis dicti domini [Stephani pro rata porcione s]pectante ad tantas terras predictas illam partem calcete de Riggedik' et Guttere

de Haringdik', que spectabat ad nostram sustentacionem [et reparacionem racione dictarum] terrarum dum in manu nostra extiterant, pro omnibus aliis serviciis secularibus, secta curie et demanda. Faciendo eciam dictus dominus Stephanus . . . nobis . . . pro relevio suo quociens acciderit unum ostorium sorum vel pro eo viginti solidos sterlingorum.[1] Et nos Antonius . . . omnes predictas terras et piscariam cum communa pasture et omnibus aliis libertatibus . . . predicto [domino] Stephano . . . contra omnes homines pro predictis serviciis warantizabimus et defendemus inperpetuum. In crt. . . . Hiis testibus: dominis Petro de Maulay, Edmundo de Aynecourt, Hugone de Louthre, Thoma de Brunham, Gilberto [de] Atone, Roberto [Chambir]laine, Gerardo Salvayn, militibus; dominis Thoma de Goldesburgh, Lincolniensi, Johanne de Orreby, Saresberiensi, Rogero de Waltham, Londoniensi, canonicis, magistro [Johanne de I]nsula, iuris civilis professore, clericis nostris; Roberto de Osgoteby, Waltero dicto Page, Galfrido de Sufflet, Radulpho de Babbethorp', Waltero de [Burton et aliis. D]at' apud Waltham, London' diocesis, ultimo die mensis Septembris, anno domini Millesimo CCC^mo^ octavo, patriarchatus nostri tercio et consecracionis nostre [vicesimo] quinto.

(Conf. by pr. and c. of Durham, 11 Oct. 1308: Durham, Misc. Charter 495. Registered: Reg. I ii, f. 37, from which are taken readings in square brackets.)

131. *12 Nov. 1308. Durham. Presentation to pat. and bp. by pr. and c. of John de Dalton for institution to the vicarage of Pittington.*

Reverendo patri in Christo ac domino, domino A. dei gracia sancte Jerosolimitane ecclesie Patriarche et episcopo Dunolmensi, devoti filii Willelmus prior ecclesie Dunolmensis et eiusdem loci conventus salutem cum debitis et devotis obediencia, reverencia et honore. Ad vicariam ecclesie sancti Laurencii de Pitingdon, per resignacionem domini Johannis de Billingham quondam vicarii eiusdem vacantem et ad nostram presentacionem spectantem, dilectum nobis in Christo dominum Johannem de Dalton, capellanum, quem virum novimus provisum et honestum, vestre reverende paternitati per has patentes litteras presentamus; vobis omni devocione qua possumus suplicantes quatinus eundem dominum Johan-

[1] This sentence is noted on fold of charter, but omitted in registration.

nem ad vicariam predictam ad nostram presentacionem benigne admittere dignemini, quod vestrum est in hac parte circa ipsum plenius exequentes. In crt. presentes litteras sigillo capituli nostri fecimus communiri. Dat' Dunolmi in crastino sancti Martini, anno domini M°CCC° octavo.

(Enrolled: Durham, Loc. 13, no. 21, m.1. Registered: Reg. I i, f. 113v.)

132. *12 Dec. 1308. Eltham. Intimation by pat. and bp. to pr. and c. of Durham of impending visitation.*

Antonius permissione divina sancte Jerosolomitane ecclesie Patriarcha et Episcopus Dunolmensis dilectis in Christo filiis Priori et conventui ecclesie nostre Dunolmensis salutem, graciam et benediccionem. Quia in crastino Purificacionis beate Marie virginis proximo futuro intendimus, annuente domino, ad ecclesiam nostram Dunolmensem antedictam accedere, officium visitacionis tam in capite quam in membris, in personis et rebus, prout ius exigit et nobis incumbit ex officio diligenter impensuri; volentes vos ut decet super hoc legittime (*sic*) premuniri, vobis omnibus et singulis in virtute obediencie firmiter iniungendo mandamus, quatenus dicto die, hora competenti, cum continuacione et prorogacione dierum ut opus fuerit, in capitulo ecclesie nostre Dunolmensis supradicte nobis in forma debita occurratis, et huiusmodi visitacioni nostre una nobiscum personaliter intersitis; ipsam visitacionem nostram in hiis que statum vestrum et ecclesie nostre Dunolmensis predicte contingunt ibidem subire et suscipere in forma canonica tunc parati, et actualiter suscepturi ulteriusque facturi et recepturi quod canonicum et iustum fuerit ac utilitati eiusdem ecclesie et regulari conveniens videbitur discipline. De die vero recepcionis presencium nos absque morose tarditatis dispendio certificetis per vestras patentes litteras harum seriem continentes. Bene valete. Dat' apud Eltham, sub sigillo nostro Episcopali, duodecima die Mensis Decembris, anno domini Millesimo CCC° octavo, Patriarchatus nostri tercio et consecracionis nostre vicesimo Quinto.

(Original: Durham, 3a.6e. Pont. 1. Copy: Durham, Cart. I, f. 95.)

133. *16 Jan. 1309. Durham. Presentation of Walter de Giseburn by pr. and c. for institution to the vicarage of St. Peter's, Bywell.*

Pres. by pr. William [de Tanfield] and c. of Durham to A. pat. and bp. or his vicar-general of Walter de Gisburn', chaplain, for institution to the vicarage of St. Peter's, Bywell, vacant by death of Hugh de Dittenshal'.

(Enrolled: Durham, Loc. 13, no. 21, m.2.)

134. *9 Feb. 1309. Bp. Auckland. Licence to pr. and c. of Guisborough to serve the parish church of Hart by a canon (cf. no. 9.)*

Antonius permissione divina sancte Jerosolimitane ecclesie patriarcha et episcopus Dunelmensis dilectis in Christo filiis priori et conventui Monasterii de Giseburn', ordinis sancti Augustini, Eboracensis diocesis, salutem, graciam et benedictionem. Fervor et religionis devocio, continua hospitalitatis observacio et elemosinarum pia largitio, ceteraque caritatis opera que in vestro monasterio predicto iugiter excercentur, nos visceraliter excitant et inducunt favore vos prosequi gracie specialis. Hinc est quod in ecclesia parochiali de Hert, nostre diocesis, quam una cum capella de Herterpole in eadem parochia in usus proprios canonice possidetis, et in qua per vicarium secularem cura animarum regi consuevit, ut per vestrum concanonicum populus eiusdem parochie regatur et animarum cura excerceatur in eadem perpetuis temporibus in futurum vobis auctoritate pontificali pro nobis et successoribus nostris tenore presencium specialiter indulgemus. Ita scilicet quod nunc et alias quociens opus erit idem concanonicus vester, qui in dicta ecclesia ministrabit, nobis et successoribus nostris per vos presentetur, et per nos et successores nostros admittatur et instituatur, nobis et successoribus nostris de spiritualibus, vobis autem de temporalibus responsurus. Proviso quod canonicis predictis de fructibus et proventibus dicte ecclesie tantumdem assignetur unde commode sustentari et hospitalitatis onus congrue valeant supportare, auctoritate nostra diocesana, iure eciam et dignitate ecclesie nostre Dunelmensis per omnia semper salvis. In crt. sigillum nostrum episcopale presentibus est appensum. Dat' apud Aucland' Nono die Februarii, anno domini Millesimo Trecentesimo Octavo, patriarchatus nostri tercio et pontificatus nostri vicesimo sexto.

(Conf. by pr. and c. of Durham, 16 Feb. 1309: Durham, Misc. Charter 6194. Contemp. copy: Durham, Misc. Charter 7125*l*. Conf. by bp. Kellawe, 7 Dec. 1311: RPD II, 1137-9.)

135. *9 Feb. 1309. Bp. Auckland. Grant by pat. and bp. to James le Spicer of Durham of lands in Durham moor.*

Antonius permissione divina sancte Jerosolomitane [ecclesie] patriarcha et episcopus Dunelmensis omnibus ad quos presens scriptum pervenerit salutem in domino sempiternam. Noveritis [nos] concessisse et hoc presenti scripto nostro confirmasse dilecto et fideli nostro Jacobo le Spicer de Dunelmo novem acras et dimidiam terre iuxta parcum de Beurepayre: item, quatuordecim acras terre iuxta le Nunneker: item, octo acras et dimidiam et dimidiam rodam terre iuxta Surmilkden: item, viginti septem acras unam rodam et dimidiam terre in Holleyside iuxta Netelworth: et in Netelworth duas acras terre que fuerunt Johannis Madur: item, sextedecim (*sic*) acras et tres rodas terre in Whiteleywodd' que fuerunt Gilberti de Querindon: item, decem acras terre in le Greneker: et dimidiam acram prati in Surmilkeden. Habendas et tenendas dicto Jacobo et heredibus suis de nobis et successoribus nostris episcopis Dunelm' imperpetuum. Reddendo inde annuatim nobis et eisdem successoribus nostris ad scaccarium nostrum Dunolmi sexaginta unum solidos et quatuor denarios ad quatuor anni terminos in episcopatu nostro Dunolmensi generaliter constitutos. Volentes et concedentes eidem Jacobo quod ipse et heredes sui habeant communam pasture in omnibus boscis et pasturis nostris de Cestria et circa Dunolmum ubi alii tenentes nostri de Cestria et de Framwelgate communicant; salvis nobis et successoribus nostris predictis approvamentis nostris in vastis nostris ubicumque ad voluntatem nostram faciendis. In crt. . . . Hiis testibus: domino Stephano de Maulay, archidiacono Clivelandie, tunc senescallo nostro Dunelmensi; Roberto de Hilton, Ricardo Marmeduke, Thoma de Whiteworth, militibus; domino Rogero de Waltham, canonico London', cancellario nostro; magistris Johanne de Insula, Johanne de Botheby et domino Roberto de Litilbery, receptore nostro Dunelmensi, clericis nostris; Johanne Shirloke, Ricardo de Stanlawe, tunc vicecomite nostro Dunelmensi, Petro de Bolton et aliis. Dat' apud Aukeland nono die Mensis Februarii, anno domini Millesimo Trecentesimo Octavo, patriarchatus nostri tercio, et consecracionis nostre vicesimo sexto.

(Registered[1]: Durham, Reg. I i, f. 142v.)

[1] *Non confirmatur* noted in margin.

136. *10 Feb. 1309. Bp. Auckland. Commission by the pat. and bp. to his vicar-general and the archd. of Durham to proceed on the* comperta *in his visitation of the convent of Durham.*

Antonius permissione divina sancte Jerosolimitane ecclesie patriarcha et episcopus Dunolmensis dilectis in Christo filiis domino Stephano de Mauley, decano prebendalis ecclesie de Aukeland, nostre diocesis Dunolmensis, in nostris civitate et diocesi Dunolmensi nostro vicario generali, et magistro Willelmo de sancto Botulpho, archidiacono nostro Dunolmensi, salutem, graciam et benediccionem. Ad procedendum, cognoscendum, pronunciandum, statuendum, diffiniendum et discuciendum super articulis in nostra visitacione nuper in capitulo ecclesie nostre Dunolmensis celebrata compertis, quatenus singulares personas necnon et statum personarum et rerum eiusdem capituli et ecclesie contingunt seu contingere poterunt quoquomodo, vobis coniunctim et divisim committimus vices nostras per presentes, cum canonice cohercionis potestate, donec eas duxerimus revocandas. Ita quod vos vel vestrum alter, associatis vobis . . Priore, . . Subpriore et aliis quatuor vel quinque de senioribus et sanioribus de dicto capitulo monachis, in eodem capitulo procedatis in premissis vel procedat. In crt. has litteras nostras sigillo nostro patriarchali una cum sigillo nostro episcopali indorsato signatas vobis fieri fecimus patentes. Dat' apud Aukeland', decimo die mensis Februarii, anno domini Millesimo Trecentesimo octavo, patriarchatus nostri tercio et consecracionis nostre vicesimo sexto.

(Cited in proceedings of commissaries: Durham, Loc. 7, no. 23.)

137. *15 Feb./11 March 1309-15/27 May 1310. Durham. Proceedings of bp's. commissaries against bro. Geoffrey de Burdon as a result of the visitation of the convent by bp.*

In dei nomine amen. Anno eiusdem Millesimo CCC^{mo} octavo, indiccione septima, quintodecimo die Mensis Februarii, viri reverendi dominus Stephanus de Mauley, decanus ecclesie prebendalis de Aukeland', Dunelmensis diocesis, venerabilis patris domini Antonii dei gracia sancte Jerosolomitane ecclesie patriarche et episcopi Dunolmensis vicarius in civitate et diocesi Dunelm' generalis ac magister Willelmus de sancto Botulpho, archidiaconus Dunelmensis, dicti patris commissarii ad infrascripta specialiter deputati, in capitulo

monasterii Dunelmensis in mei notarii infrascripti et discretorum virorum domini Rogeri de Waltham et magistri Roberti de Baldok, ecclesie Cathedralis London' canonicorum, testium ad infrascripta vocatorum specialiter et rogatorum, presencia personaliter constituti; associatis eis secundum sue commissionis infrascripte formam religiosis viris fratribus Willelmo de Tanfeld, eiusdem monasterii Dunelmensis priore, Henrico de Staunford subpriore, Osberto de Eboraco tercio priore, Roberto de Stanlawe feretrario et Thoma de Wyvestowe, dicte Dunelmensis ecclesie monachis, qui seniores et saniores eiusdem domus monachi dicebantur; convocatis coram ipsis commissariis et convenientibus quampluribus aliis de dicto capitulo monachis pro maiori et sanori parte capituli eiusdem, iidem commissarii in presencia capituli predicti suas commissionis litteras dicti patris sigillo patriarchali una cum suo sigillo episcopali indorsato in cera rubea patenter consignatas exhibuerunt et per me, notarium infrascriptum, palam legi et recitari fecerunt, formam que sequitur continentes: . . . as no. 136 *supra*.

Quibus lectis et ad noticiam dicti capituli deductis, dictus dominus Prior viva voce dictos commissarios in dicto capitulo iudicialiter certificavit se de mandato eorumdem citasse et premunivisse omnes et singulos de dicto capitulo monachos, quod parati essent et coram eisdem commissariis comparerent, cum continuacione et prorogacione dierum prout opus essent, super dictis articulis in forma iuris processuri; offerens idem Prior et asserens se una cum suis monachis predictis ad predicta paratos esse et esse debere, unde dicti commissarii contra nonnullos dicti monasterii monachos super articulis de eis in dicta visitacione compertis extunc in capitulo memorato cum continuacione et prorogacione dierum sequencium processerint. Et tandem, inter nonnullos alios de dicto monasterio monachos, iidem commissarii, auctoritate eis commissa ut est dictum, in presencia mei notarii infrascripti ac eciam monachorum eisdem commissariis ut premittitur associatorum et domini Rogeri ac magistri Roberti canonicorum dicte London' ecclesie predictorum, septimo die mensis Marcii, anno et indiccione predictis, contra fratrem Galfridum de Burdon, dicti monasterii Dunelmensis monachum, super articulis de eo in visitacione predicta compertis procedere inchoarunt et suos processus cum continuacione et prorogacione dierum continarunt sub hac forma:

In primis obiecerunt fratri Galfrido de Burdon predicto, dicti Monasterii Dunelmensis monacho, comperta de eo nunc in visitacione domini episcopi supradicta, videlicet quod ipse, contra libertates ecclesie Dunelmensis ac ius et iurisdiccionem prelati episcopi Dunelmensis, notorie restitit eidem episcopo et prelato suo et inobediens ei fuit in prima visitacione sua in dicto monasterio Dunelmensi sibi sicut ceteris de dicto conventu monachis canonice oblata, ipsamque huiusmodi visitacionem notorie subire contempsit: propter que pronunciatus fuit per ipsum dominum episcopum inobediens, contumax, contemptor canonum, transgressor iurium et violator notorius libertatum ecclesie Dunelmensis. Et quod propterea idem dominus episcopus in processu eiusdem visitacionis sue canonice ut premittitur oblate pronunciavit ipsum fratrem Galfridum incidisse in maioris excommunicacionis sentenciam prius per ipsum episcopum latam in inpedientes visitacionem suam predictam, et nichilominus idem dominus episcopus in eodem processu suo ipsum fratrem Galfridum legitimis monicionibus premissis ex causis predictis nominatim excommunicavit in scriptis, et ipsum sic excommunicatum per totam civitatem et diocesim Dunelm' publice fecerat nunciari. Quibus non obstantibus, idem frater Galfridus postea celebravit et alias divinis se inmiscuit sic ligatus; et quamquam iam per octo annos et ultra dictam excommunicacionis sentenciam, non absque crimine et specie heresis, animo sustinuerit indurato, idem tamen frater Galfridus adhuc quasi continue celebrare et in contemptu clavium se divinis inmiscere non desistit: que omnia et singula tam per processum dicti domini episcopi quam per facti evidenciam manifesta sunt et notoria. Et quod idem frater Galfridus fuit autor principalis et fautor tocius resistencie predicte. Et quod ipse fratrem Ricardum de Hoton' in dicta lite, contencione et rebellione principaliter fovebat, et favebat eidem, et maiores confratres suos et conmonachos ad hoc similiter induxit; propter que, ipsa durante contencione et rebellione et circa ea, dilapidabantur et consumebantur bona dicte domus, religio ab eadem domo profugabatur, hospitalitas vel elemosina subtrahebantur; et per hec honeratur in tantum domus predicta ere alieno usque ad novem milia marcarum et amplius quod vix adiciet ut resurgat. Et exhibita fuerunt quedam instrumenta publica pro parte officii per viam notorii ad probandum pronunciaciones et sentencias supradictas.

Ad que idem frater Galfridus respondens dicebat se non restitisse nec inpedivisse visitacionem episcopi supradictam set modum visitandi, et quod visitacionem huius sub tali modo oblatam non subiit; fatebatur tamen quod erat nominatus in pronunciacionibus et sentenciis episcopi supradictis. Dicebat tamen sentenciam illam eum non ligare propter appellaciones suas precedentes; set super reprobacione ipsarum appellacionum et excepcionis, super qua appellaciones ille fundate erant, lecta fuit ibidem constitucio domini Bonefacii pape octavi super hoc edita, que incipit *Debent* etc.,[1] cum sua glossa. Postea idem frater Galfridus fatebatur se post pronunciaciones et sentencias supradictas se celebrasse divina sicut prius, illis non obstantibus, non tamen in contemptum clavium, ut dicebat: et dixit quod octo anni et ultra sunt elapsi post pronunciacionem dicti domini episcopi supradictam, et nichilominus celebravit, non tamen in contemptum clavium, ut dicebat. Negavit tamen se principalem auctorem et fautorem[2] dicte resistencie et quod confratres suos et commonachos ad hoc non induxit. Et predicti commissarii super negatis indixerunt sibi purgacionem in crastino, manu sua duodecima confratrum suorum. Et super confessatis, notoriis et probatis predictis prefixerunt dicti commissarii eidem fratri Galfrido terminum ad audiendam pronunciacionem et penitenciam recipiendam cum fuerit premunitus.

Postmodum vero idem frater Galfridus undecimo die dicti mensis, anno et indiccione predictis, comparens coram dictis commissariis loco quo supra, presentibus monachis et testibus superius nominatis, super negatis in dicto articulo super quibus indicta fuit sibi purgacio, non purgavit se, set fatebatur se principalem auctorem et fautorem[2] in resistencia facta contra primam visitacionem episcopi supradictam et quod induxit confratres suos et conmonachos ad resistendum. Unde dicti Commissarii prefixerunt sibi terminum ad audiendam pronunciacionem super predictis et penitenciam recipiendam cum fuerit premunitus.

Item, septimo die Marcii predicto, anno et indiccione predictis, presentibus eciam monachis et testibus superius nominatis, obiecerunt iidem commissarii eidem fratri Galfrido quod postquam dicta constitucio domini Bonefacii pape que incipit *Debent* etc. super dicta visitacione episcopi et modo visitandi edita fuerat, in qua cause

[1] No. 83 *supra*. [2] *fauctorem* in MS.

appellacionum contra dictum dominum episcopum et suam visitacionem interiectarum et excepcio super quam fundate erant appellaciones ille tanquam non racionabiles et illegitime fuerant reprobate, idem frater Galfridus animo obstinato asseruit inter confratres suos et adhuc asserit, non obstante reprobacione apostolica supradicta, dictas appellaciones legitimas fuisse et esse, et sentencias ac processum episcopi in sua visitacione predicta factos non tenuisse nec tenere, nec sentencias excommunicacionis in ipsa visitacione prolatas illos in quos proferebantur ligasse nec ligare, licet textus dicte constitucionis et ipsius glosa contrarium dicant manifeste: et quod deterius est, in cumulum dampnacionis sue, commonachos suos in dicta visitacione per episcopum excommunicatos, premissis non obstantibus, induxit ad celebrandum divina et ipsemet celebravit et adhuc celebrat sic ligatus: et post constitucionem et pronunciacionem predictas per dictum dominum papam ut predicitur factas, idem frater Galfridus primam inobedienciam temere continuans, partem, cisma et divisionem tanquam cismaticus posuit, fecit et fovit inter episcopum suum ex una parte et capitulum suum ex altera, necnon et inter fratres et monachos capituli memorati. Ad que idem frater Galfridus respondens omnia in dicto articulo contenta fatebatur. Dicebat tamen pro excusacione sua quod fuit procurator dicti Ricardi prioris, qui sibi in virtute obediencie talia iniunxerat et preceperat, sicut dixit. Unde dicti commissarii prefixerunt sibi terminum ad audiendam inde pronunciacionem et penitenciam recipiendam cum fuerit premunitus.

Item, obiecerunt eidem fratri Galfrido dicti commissarii quod ipse postquam frater Ricardus de Hoton fuit privatus et amotus de prioratu Dunelmensi per sentenciam episcopi, idem frater Galfridus per annum et dimidiam et ultra contra voluntatem prioris et conventus que tunc prefuerunt in monasterio Dunelmensi vagabatur, per patrias varias discurrendo, et mala contra suum episcopum procurando, et partem dicti Ricardi contra dictum dominum episcopum fovendo; licet illi qui tunc prefuerunt monasterio Dunelmensi vellent quod domi rediisset. Ad quod idem frater Galfridus respondens fatebatur contenta in articulo. Dicebat tamen pro excusacione sua quod non vagabatur, set de loco ad locum ivit per seculum pro negociis tamen domus, ut dixit, et de iniunctione dicti fratris Ricardi quem reputavit Priorem. Unde dicti commissarii prefixer-

unt sibi terminum ad audiendam inde pronunciacionem et penitenciam recipiendam cum fuerit premunitus.

Item, obiecerunt eidem fratri Galfridi iidem commissarii quod fecit conspiracionem, institit et consensit quod libertas Episcopi et ecclesie Dunelmensis bis capta fuit in manu domini Regis, ad grave dampnum Episcopi et ecclesie Dunelmensis. Ad que idem frater Galfridus respondens ea primo negavit. Et cum dicti commissarii indixissent sibi purgacionem ad purgandum se manu sua duodecima, postmodum comparens coram dictis commissariis dictum articulum fatebatur. Unde dicti commissarii prefixerunt. . . .

Item, obiecerunt eidem fratri Galfrido dicti commissarii quod induxerat quantum potuit fratrem Ricardum de Hoton, tunc gerentem se pro Priore Dunelmensi, et consensit eidem ad trahendum Episcopum suum et Archidiaconum Dunelmensem ac alias personas ecclesiasticas ad vetitum examen in foro seculari super iniuriarum et personalibus actionibus. Et quod idem frater Galfridus in eodem foro fuit personali[ter] et institit ad barram procurando inquisiciones per laicos fieri in dicto foro contra personas ecclesiasticas supradictas. Ad quod respondens idem frater Galfridus fatebatur contenta in dicto articulo et quod prosequebatur ultro ad barram cum dicto fratre Ricardo, Priore suo: dicebat tamen pro dampnis recuperandis. Unde dicti commissarii prefixerunt. . . .

Item, obiecerunt eidem fratri Galfrido dicti commissarii quod procuravit fieri inquisiciones laycales contra Episcopum et alias personas ecclesiasticas super morte Willelmi Pollard. Ad quod respondens illud negavit, et indicta sibi purgacione per dictos commissarios ad purgandum se super hoc manu sua duodecima,
m. 2. qui purgavit se. Et dicti commissarii quo ad illum articulum dimiserunt eum, et ipsum quo ad hoc pronunciarunt inmunem.

Item, obiecerunt eidem fratri Galfrido iidem commissarii quod ipse tanquam inobediens et obstinatus, dum se gessit pro priore de Fynkhale, non curavit facere fidelitatem Episcopo pro temporalibus domus, ad quam scivit se teneri, set contempsit, sic libertates Episcopi et ecclesie Dunelmensis temere infringendo: et quod hoc coram clericus Episcopi visitantibus in examinacione sua fatebatur. Ad quod respondens idea frater Galfridus contenta in dicto articulo fatebatur. Unde predicti commissarii prefixerunt. . . .

Item, obiecerunt eidem fratri Galfrido dicti commissarii quod ipse coram dictis visitatoribus asseruit constanter in examinacione sua se non teneri dicto domino Episcopo ad aliquam obedienciam, sic nomen, cisma et divisionem intendendo[1] ponere in monasterio Dunelmensi predicto: et quod articuli excommunicacionis et irregularitatis super quibus in visitacione fuit requisitus nec contingunt statum monasterii nec vitam aut conversacionem monachorum. Ad que idem frater Galfridus respondens contenta in articulo fatebatur et coram dictis commissariis asseruit illud idem. Unde dicti commissarii prefixerunt. . . .

Item, obiecerunt eidem fratri Galfrido dicti commissarii quod postquam procuratorium suum et officium procuratoris sibi antea iniunctum[2] fuit revocatum per literas sigillo communi capituli sui Dunelmensis consignatas, idem frater Galfridus nichilominus prosequebatur et excercuit procuratoris officium sicut prius, eciam postquam dicta revocacio ad eius noticiam pervenit, literas, inhibiciones, tuiciones et alia contra statum ecclesie Dunelmensis et illorum qui in domo Dunelmensi tuncs prefuerunt in Curia Eboracensi impetrando. Ad quod idem frater Galfridus respondens contenta in articulo fatebatur. Unde dicti commissarii prefixerunt. . . .

Item, iidem commissarii obiecerunt eidem fratri Galfrido quod dum ipse se gessit pro priore de Fynkhale bona domus illius dilapidavit, statum domus a suis confratribus, quibus illum communicare debuerat, concelavit, et solus per se sine socio contra consuetudinem monasterii generalem iacuit suspecte in sua camera. Ad que idem frater Galfridus respondens fatebat (*sic*) se solum in camera sua iacuisse, non tamen suspecte. Negavit se dilapidatorem, et similiter concelacionem predictam: et indicta sibi per dictos commissarios purgacione super hiis manu sua duodecima confratrum suorum, postmodum idem frater Galfridus coram dictis commissariis vocatus ad purgandum se personaliter comparens coram eis, nullo modo se purgavit de aliquo predictorum in dicto articulo contentorum. Unde dicti commissarii ipsum fratrem Galfridum pronunciarunt convictum super illis, in quibus indicta fuit sibi purgacio in articulo predicto, in quorum purgacione defecit, et prefixerunt. . . .

Item, obiecerunt eidem fratri Galfrido dicti commissarii quod in

[1] *intendo* in MS. [2] *iniunctim* in MS.

recessu suo de Fynkhale tempore vacacionis prioratus Dunelmensis post mortem dicti fratris Ricardi de Hoton, amovit de dicta domo de Fynkhale corea, lanam, equos, vasa, harnesium et alia bona domus in magna quantitate. Ad que idem frater Galfridus respondens dicebat quod vendidit Ade de Elwold viginti corea pro quatuor libris, in allocacione debiti in quo sibi tenebatur; et negavit se amovisse de dicta domo lanam, equos, hernasium et alia bona. Unde dicti commissarii prefixerunt sibi terminum ad probandum vendicionem factam fuisse in allocacione dicti debiti cum fuerit requisitus; et quo ad alia obiecta contra eum in dicto articulo et per eum negata dicti commissarii indixerunt sibi purgacionem manu sua duodecima confratrum suorum. Et quia idem frater Galfridus super hiis in purgacione defecit, dicti commissarii pronunciarunt eum super hiis convictum et prefixerunt. . . .

Item, iidem commissarii obiecerunt eidem fratri Galfrido quod oneravit domum de Fynkhale de una liberacione gravi, quam vendidit Ade de Elwold pro sexaginta marcis, ad recipiendum pro se et uxore sua singulis diebus vite sue quantum perciperent duo monachi de domo de Fynkhale predicta. Ad quod idem frater Galfridus respondens fatebatur articulum. Et dicti commissarii prefixerunt. . . .

Item, iidem commissarii obiecerunt dicto fratri Galfrido quod non reddidit ratiocinia sue administracionis prioratus de Fynkhall'. Ad quod idem frater Galfridus respondens dicebat se ostendisse statum domus Ricardo Priori mortuo dum viverit; et ulterius fatebatur quod in amocione sua a dicto prioratu, vacante [prioratu Dunelmensi], nullum statum domus alicui ostendit, licet alias dominus Stephanus de Mauley, vicarius et senescallus Episcopi tempore vacacionis prioratus Dunelmensis, sibi iniunxisset quod redidisset statum illum, propter quod idem vicarius adhuc exhabundanti illud idem sibi iniunxit. Et dicti commissarii prefixerunt. . . .

Item, iidem commissarii obiecerunt eidem fratri Galfrido quod ipse est proprietarius, habens peccuniam, iocalia et res alias preter voluntatem et scienciam sui prioris. Ad quod idem frater Galfridus respondens fatebatur se habere circa Triginta solidos; et quod Bernardus de Thurstanton tenetur sibi per unum scriptum obligatorium in Decem libris sterlingorum; et quod Johannes de Hessewell tenetur domui de Fynkhale in viginti quatuor petris ferri; et

quod Willelmus de Hessewell tenetur eidem domui in viginti solidos, quos recepit de domo predicta pro meremio dicte domui vendito et non tradito. Unde dicti commissarii iniunxerunt ei quod statim redderet dictam peccuniam et scriptum obligatorium. Et dicti commissarii prefixerunt . . . Et ulterius dicti commissarii iniunxerunt eidem quod eos certificaret in crastino in scriptis, vel priores de Dunelm' et de Fynkhale, ipsorum commissariorum nomine, quibus dicti commissarii illud commiserunt, de sua communia de quibuscumque debitis et bonis aliis dicti prioratus de Fynkhale. Postea incontinenti idem frater Galfridus dictam peccuniam et scriptum predictum dictis commissariis tradidit: et dicti commissarii tradiderunt illa priori Dunelmensi predicto, ibidem tunc presenti.

Item, iidem commissarii obiecerunt eidem fratri Galfrido quod spoliavit aliquos confratres suos bonis suis nec ea eis restituit. Ad quod respondens illud negavit. Et dicti commissarii indixerunt sibi super hoc purgacionem manu sua duodecima confratrum suorum in crastino. Et sic pendet.

Item, iidem commissarii obiecerunt eidem fratri Galfrido quod ipse defamatur et notatur graviter inter fratres de adulteriis et incontinenciis diversis, videlicet quod apud Oxoniam habuit uxorem quondam domini Elie de Hautvile, quam tenuit in dormitorio apud Oxoniam per octo dies et amplius in obprobrium et schandalum religionis. Ad quod respondens fatebatur quod dicta uxor dicti domini Elie fuit in dicto dormitorio de ipsius assensu et per eum per unam noctem, et subsequenter per aliquos dies fuit dicta subtus dormitorium in quodam celario. Et super incontinencia indicta sibi purgacione per dictos commissarios idem frater Galfridus manu sua duodecima confratrum suorum purgavit se. Et quia dicta mulier fuit per eum in dicto dormitorio et subtus illud secundum confessionem suam predictam dicti commissarii propter obprobrium religionis et scandalum inde exortum prefixerunt. . . .

Item, quod idem frater Galfridus notatus fuit super adulterio cum Johanna uxore Henrici de Lomeley; et similiter quod tenebat quandam mulierem apud Eboracum in robis et aliis necessariis. Ad que respondens, utrumque negavit, et indicta sibi per dictos commissarios purgacione legitime se purgavit de eisdem. Et ideo dicti commissarii restituerunt eum quo ad ea de quibus se purgavit bone fame sue, et eum sic quo ad ea dimiserunt. Et quo ad omnia alia et singula

superius confessata, pronunciata et probata dicti commissarii prefixerunt. . . .

Postmodum vero dictus venerabilis pater ad continuandum dicte sue visitacionis actum et ulterius in hac parte procedendum, religioso viro domino priori de Tynemouth', ordinis sancti Benedicti, et discretis viris magistro Thome de Clifford, decano ecclesie prebendalis de Aukland, dicte sue diocesis Dunelmensis, domino Rogero [de Waltham] et magistro Roberto de Baldok, canonicis ecclesie cathedralis London', vices suas sub certa forma prout inferius continetur commisit. Qui quidem decanus ac dominus Rogerus et magister Robertus predicti huiusmodi commissionem reverenter suscipientes, dicto domino priore de Tynemouth' tunc absente, quintodecimo die Mensis Maii, anno domini Millesimo CCC^{mo} decimo, indiccione octava, associatis sibi religiosis viris fratribus Willelmo de Tanfeld, eiusdem Monasterii Dunelmensis priore, Henrico de Staunford subpriore, Osberto de Eboraco tercio priore, Roberto de Stanelaw Feretrario et Thoma de Wyvestowe dicte Dunelmensis ecclesie monachis supradictis, qui alias domino Stephano vicario generali et archidiacono Dunelmensi predictis fuerant associati, in presencia mei notarii infrascripti ac monachorum predictorum ut premittitur associatorum, contra dicte domus monachos in capitulo dicti monasterii Dunelmensis procedere inchorunt (*sic*) et processerunt cum continuacione et prorogacione dierum sequentium secundum formam commissionis eis per dictum patrem in hac parte facte, ipsius patris sigillo patenter consignate, quam tunc exhibuerunt et per me notarium infrascriptum coram maiore parte capituli predicti tunc coram eisdem commissariis congregata palam legi fecerunt. Cuius tenor talis est . . . (as no. 153).

m. 1d. Qua commissione lecta et ad ipsorum monachorum in dicto capitulo congregatorum noticiam deducta, prefato fratre Galfrido de Burdon ad audiendam pronunciacionem ipsorum commissariorum ultimo per dictum patrem deputatorum, et penam ac penitenciam recipiendas pro delictis, criminibus et excessibus de eo in dicta visitacione compertis, legitime vocato et premunito per priorem suum predictum, prout idem prior tunc dictos commissarios certificavit viva voce, ipso fratre Galfrido tunc coram dictis commissariis personaliter comparente, recitatis coram eo retroactis habitis coram aliis dicti patris commissariis supradictis, idem frater Gal-

fridus peciit humiliter a dictis commissariis ultimo ut premittitur per dictum patrem deputatis dictum diem usque in diem Lune proximo sequentem prorogari et continuari. Ad cuius peticionem iidem commissarii dictum diem usque in eundem diem Lune benigne prorogarunt et continuarunt, prefigentes et assignantes eidem fratri Galfrido illum diem Lune scilicet octavumdecimum diem dicti mensis Maii proximo sequentem ad tunc audiendum precise pronunciacionem suam de predictis et penam ac penitenciam sibi per eos infligendas recipiendum, ac ulterius faciendum quod iuris fuerit et regulari conveniens discipline.

Quo die Lune scilicet decimo octavo die dicti mensis Maii coram dictis commissariis, in presencia mei notarii infrascripti et monachorum predictorum dictis commissariis ut premittitur associatorum, dictus frater Galfridus comparens personaliter in capitulo memorato peciit humiliter et devote se absolvi per dictos commissarios a sentenciis suspensionis et excommunicacionis predictis in eum per dictum patrem et quoscunque alios eius auctoritate in genere et in specie prolatis, attente supplicans quatinus iidem commissarii iniurias et offensas per ipsum contractas contra personam dicti patris eidem remittere dignarentur. Unde dicti commissarii, prestito per dictum fratrem Galfridum ad sancta dei Ewangelia iuramento corporali de parendo mandatis ecclesie in hac parte, ipsum fratrem Galfridum a dictis suspensionum et excommunicacionum sentenciis in eum per dictum patrem et sua auctoritate latis absolverunt, necnon iniurias et offensas per eum contra personam dicti patris contractas remiserunt eidem, salvis penis et penitentiis eidem fratri Galfrido pro huiusmodi et aliis predictis per eundem commissis per eosdem commissarios iniungendis, quas sibi specialiter reservarunt, dicentes iidem commissarii se velle super hiis plenius deliberare. Mandavit (*sic*) eidem fratri Galfrido quod paratus esset ad recipiendum et subeundum huiusmodi penas et penitencias humiliter et devote cum fuerit premunitus.

Postmodum vero vicesimo septimo die dicti mensis, anno et indiccione predictis, dicto fratre Galfrido coram dictis commissariis, in presencia mei notarii infrascripti et monachorum predictorum ut premittitur associatorum, loco quo supra, personaliter comparente, prefati commissarii attendentes magnitudinem criminum predictorum de ipso fratre Galfrido compertorum, licet ut dicebant ad

duriora procedere de iure potuissent, ipsum fratrem Galfridum ab omnibus officiis, beneficiis et dignitatibus interioribus et exterioribus monasterii et domus Dunelmensis, quam ita multipliciter et graviter offendit, necnon ab omnibus tractatibus communibus inter fratres, et a communi parliamento in capitulo et alibi per decennium continuum suspenderunt; iniungentes eidem quod dicto decennio durante ab huiusmodi officiis, beneficiis et dignitatibus et tractatibus se abstineat reverenter. Et interim teneat locum ultimum in superioribus gradibus in choro, ex parte australi, et eundem locum teneat in processionibus et refectorio. Scepta (*sic*) monasterii vel celle sibi deputande ad moram non exeat, nisi cum priore vel subpriore Dunelmensi et tunc continuo reversurus. Scilencium (*sic*) servet ubique, nulli loquens nisi cum priore vel subpriore loci in quo moram traxerit, et hoc moderate. Nulli literas mittat vel nuncium, nec eos ab aliquo recipiat. Singulis septimanis dicat duo spalteria (*sic*) pro domino Episcopo suo Antonio predicto, quem graviter offendit, videlicet pro salute sua dum vixerit et pro anima eius post mortem. Singulis quartis feriis uno genere piscium contentus ieiunet, et singulis sextis feriis ieiunet in pane et aqua, nisi ille qualibet infirmitate gravatus fuerit, vel alias visum fuerit suo priori vel subpriori cum eo ex causa racionabili micius fore agendum: et illis diebus tunc ieiunet in pane, servicia et potagio. Et in singulis diebus Sabbati termino durante predicto dicat sexaginta salutaciones beate Marie virginis, *Ave Maria* etc., in honore beate Marie virginis gloriose. Et in singulis oracionibus et devocionibus suis dictum dominum Episcopum tam in vita quam in morte habeat in memoria sua speciali. Juravit insuper idem frater Galfridus ad sancta dei Ewangelia coram dictis commissariis loco quo supra quod extunc in antea confratribus et commonachis suis qui domino Episcopo predicto tempore rebellionis et resistencie predicte adherebant nec ipsorum alicui malum vel dampnum procurabit nec faciet, verbo, nutu, signo vel facto, racione resistencie sue[1] predicte vel alicuius discordie prius exorte; et offensas quascunque dictis confratribus suis dicto domino Episcopo ut premittitur adherentibus plene emisit.

Premissa omnia et singula dicti commissarii eidem fratri Galfrido iniunxerunt in virtute obediencie et sub debito prefati iuramenti

[1] Inserted in text.

fideliter facienda et firmiter observanda: salva domino Episcopo supradicto potestate predictas penitencias et penas augendi, mutandi vel minuendi, prout de ipso fratre Galfrido per suos superiores ac alios fidedignos laudabile testimonium vel aliud perhibebitur[1] in eventu. Acta fuerunt hec in Capitulo ecclesie Cathedralis Dunelmensis sub annis domini, indiccionibus, diebus et mensibus supradictis, presentibus eciam testibus superius nominatis ad premissa vocatis specialiter et rogatis.

Et ego Ricardus natus quondam Henrici de Ganyo, clericus Conventrensis et Lichefeldensis diocesis, apostolica et imperiali auctoritate notarius publicus, premissis omnibus . . . presens interfui et . . . de mandato magistri Roberti de Baldok, commissarii supradicti, qui sua interesse dicebat in hac parte,[2] propria manu scripsi, et per eundem magistrum Robertum rogatus in hanc publicam formam redegi meumque signum apposui consuetum . . .

(Contemp. copy: Durham, Loc. 7, no. 40.)

138. *27 Feb. 1309. Durham. Refutation by bro. Henry de Stanford of charges brought against him as a result of the bp's. visitation.*

In nomine domini amen. Anno eiusdem M°CCC° octavo, indictione septima, vicesimo septimo die mensis Februarii, coram venerabilibus viris domino Stephano de Mauley, decano ecclesie prebendalis de Aukeland, Dunolmensis diocesis, venerabilis patris domini Antonii dei gracia sancte Jerosolomitane ecclesie patriarche et episcopi Dunolmensis in civitate et diocesi Dunolm' vicario generali, et magistro Willelmo de sancto Botulpho, archidiacono Dunolmensi, commissariis ad infrascripta specialiter deputatis, prout in ipsius patris literis inde confectis, dicti patris sigillo patriarchali una cum sigillo suo episcopali indorsato in cera rubea patenter consignatis liquet ad plenum; quarum literarum tenor talis est: . . . (as no. 136).

[1] *prohibebitur* in MS.

[2] Baldock lodged with bp. Kellawe a formal protest against Burdon's election as prior of Durham on 14 June 1313, and was persuaded from prosecuting this only by payment by the convent of £40 arrears of pension and by a new agreement whereby he became a clerk of the prior's council at an annual pension of 10 marks, with a robe. (Durham, Reg. II, ff. 22-26v.)

Constitutus personaliter in presencia mei notarii et testium subscriptorum, vir religiosus frater Henricus de Stanford, monachus ecclesie Dunolmensis, presentibus religiosis viris domino Willelmo de Tanfeld priore ecclesie Dunolmensis et fratribus Reginaldo de Barneby tercio priore, Thoma de Wyvestowe sacrista, Osberto de Eboraco infirmario et Roberto de Stanlawe feretrario, monachis ecclesie Dunolmensis dictis commissariis associatis, impetitus super eo quod fuerit inobediens Priori suo Ricardo post primam visitacionem Episcopi Dunolmensis predicti, in eo quod ipse frater Henricus extra domum Dunolmensem contra voluntatem predicti Prioris sui Ricardi existens, cum idem Ricardus Prior pro eo misisset ut domi veniret, ipse frater Henricus domi venire non curavit set in seculo vagabatur.

Item, quod idem frater Henricus bona dicte domus usque ad magnam peccunie quantitatem secum portavit et in malos usus consumpsit.

Ad que idem frater Henricus respondit, et primo ad primum: videlicet quod per Ricardum priorem predictum et suos complices eidem fratri Henrico inferebantur mine mortis, et ob hoc ivit ad prelatum suum Episcopum Dunolmensem et aliquamdiu stetit in comitiva sua de precepto suo, et per alia tempora alibi ex permissione sua et de mandato suo, non vagando in seculo. Quo ad secundum, idem frater Henricus respondit quod nulla bona domus alienavit, set in familia prefati domini sui Episcopi Dunolmensis, sumptibus et expensis eiusdem patris, et aliquando alibi de sua licencia commorans, sumptibus et expensis parentum et amicorum suorum, nichil habens aliunde unde viveret medio tempore, vixit et alimentabatur.

Et quia hec legitime probavit per confratres suos seniores et aliis legitimis documentis, dicti commissarii ipsum fratrem Henricum super predictis omnibus pronunciarunt inmunem et eum bone fame sue restituerunt: et si que sentencie per dictum fratrem Ricardum Priorem vel eius auctoritate seu mandato fuerant hactenus in ipsum fratrem Henricum late pretextu predictorum, eas quatenus de facto processerunt, dicti commissarii auctoritate dicti patris, et dominus Willelmus de Tanfeld, prior ecclesie Dunolmensis predictus, iure suo, expresse revocarunt, et nullas fuisse et esse in scriptis pronunciarunt. Iniunxeruntque eidem quod licet prius propter predicta

omiserat celebrare, ipse extunc predictis non obstantibus celebraret sicut hactenus facere consuevit.

Acta fuerunt hec in Capitulo ecclesie Dunolmensis sub anno . . .; presentibus discretis viris magistro Roberto de Baldok et domino Rogero de Waltham, canonicis ecclesie London', testibus ad premissa vocatis specialiter et rogatis.

Et ego Ricardus natus quondam Henrici de Ganyo, clericus . . .

(Original: Durham, unlisted, (87).)

139. *1/3 March 1309. Durham. Charge and trial before the bp's. commissaries of bro. Roger Postel for riot and conspiracy.*

In nomine domini amen. Anno eiusdem M°CCC° octavo, indiccione septima, primo die mensis Marcii, coram venerabilibus viris domino Stephano de Mauley, decano ecclesie prebendalis de Aukeland, Dunolmensis diocesis, venerabilis patris domini Antonii dei gracia sancte Jerosolomitane ecclesie patriarche et episcopi Dunolmensis in civitate et diocesi Dunolm' vicario generali, et magistro Willelmo de sancto Botulpho, archidiacono Dunolmensi, commissariis ad infrascripta specialiter deputatis, prout in ipsius patris literis inde confectis, dicti patris sigillo patriarchali una cum sigillo suo episcopali indorsato in cera rubea patenter consignatis, liquet ad plenum; quarum literarum tenor talis est: . . . (as no. 136).

Constitutus personaliter in presencia mei notarii et testium subscriptorum, vir religiosus frater Rogerus, dictus Postel, de Gretham, monachus ecclesie Dunolmensis, presentibus religiosis viris domino Willelmo de Tanfeld priore ecclesie Dunolmensis et fratribus Henrico de Staunford subpriore, Reginaldo de Barneby tercio priore, Thoma de Wyvestowe sacrista, Osberto de Eboraco infirmario et Roberto de Stanlawe feretrario, monachis ecclesie Dunolmensis predictis commissariis associatis, impetitus super eo quod ipse ut dicebatur cum quibusdam aliis monachis et multis aliis de familia prioratus de Insula sacra, armatus et in manu forti insultum dedit et pugnavit in tantum quod per illum insultum et conflictum unus de nautis erat interfectus: ac eciam super eo quod ipse ut dicebatur erat unus de principalibus qui conspirabant ne aliquis reciperetur in monachum ecclesie Dunolmensis qui natus fuerat ultra Trentam vel alios certos limites, dictus frater Rogerus illa crimina sibi imposita in toto et in qualibet eorum parte negavit expresse. Propter quod dicti com-

missarii prefixerunt sibi diem ad purgandum suam innocenciam super dictis criminibus in capitulo coram eis die Lune proximo sequenti manu sua duodecima. Quo die Lune scilicet tercio die mensis Marcii anno et indictione predictis adveniente, dicto fratre Rogero coram dictis commissariis, circa correctiones faciendas de repertis in visitacione dicti patris loco quo supra pro tribunali sedentibus, necnon et coram domino Priore predicto et aliis dictis suis confratribus eisdem commissariis ut premittitur associatis personaliter comparente, quia idem frater Rogerus suam innocenciam super dictis criminibus coram dictis commissariis prout sibi per eosdem commissarios indicebatur solempniter purgavit, dicti commissarii predictum fratrem Rogerum bone fame sue restituerunt, et eum a dictis criminibus sibi inpositis in scriptis pronunciarunt inmunem.

Acta fuerunt hec in Capitulo ecclesie Dunolmensis sub anno domini, indictione, diebus et mense supradictis; presentibus discretis viris magistro Roberto de Baldok et domino Rogero de Waltham, canonicis ecclesie London', testibus ad premissa vocatis specialiter et rogatis.

Et ego Ricardus natus quondam Henrici de Ganyo, clericus. . . .

(Original: Durham, Loc. 7, no. 23.)

140. *9 March 1309. Durham. Quit-claim to pat. and bp. by pr. and c. of Durham of all legal actions and damages.*

Omnibus Christi fidelibus hoc scriptum visuris . . . Willelmus de Tanfeld Prior monasterii Dunelmensis et eiusdem loci conventus salutem in domino sempiternam. Noveritis nos de consensu unanimi tocius capituli nostri remisisse, relaxasse, et omnino pro nobis et successoribus nostris imperpetuum quietumclamasse venerabili patri et domino nostro domino Antonio dei gracia sancte Jerosolimitane ecclesie Patriarche et Episcopo nostro Dunelmensi ac omnibus et singulis ministris suis quibuscumque omnimodas acciones quarumcumque querelarum, transgressionum, gravaminum et iniuriarum que nobis aut nostris per dictum dominum Episcopum aut aliquem de suis vel ipsorum auctoritate, nomine seu mandato dici possunt usque ad diem confeccionis presencium illata fuisse; una cum omnimodis dampnis nobis in Curia bone memorie domini Edwardi nuper Regis Anglie et alibi ubicumque coram quibuscumque eiusdem domini Regis iusticiariis aut aliis qualitercumque adiudicatis et die confeccionis presencium non solutis vel occasione predictorum nobis

qualitercumque adiudicandis. Ita quod nec nos nec successores nostri nec aliquis nostro nomine versus prefatum dominum nostrum Episcopum vel ministros suos quoscumque aut successores, heredes vel executores eorum, nomine dampnorum vel expensarum aut aliter occasione predictorum poterimus aliquid exigere vel levari facere seu aliqualiter vendicare, omni accioni et prosequcioni seu iuri nobis in premissis competentibus vel competituris palam et expresse renunciantes per presentes. In crt. . . . Dat' in Capitulo nostro Dunelmensi Nono die Mensis Marcii Anno domini Millesimo CCC° Octavo.

(Original: B.M., Cart. Harl. 44. D. 19.)

141. *11 March 1309. Sherburn. Institution of Roger de Hesillarton to rectory of Kimblesworth by vicar-general of pat. and bp.*

Stephanus de Maulay, decanus ecclesie prebendalis de Auckland, venerabilis patris et domini domini Antonii, dei gracia sancte Jerosolomitane ecclesie patriarche et episcopi Dunelmensis, vicarius in civitate et dyocesi Dunelmensi generalis, domino Rogero de Hesillarton presbitero salutem in auctore salutis. Te ad ecclesiam de Kymmelisworth, vacantem et ad presentacionem religiosorum virorum prioris et conventus Dunelmensis spectantem, admisimus et rectorem per presentes instituimus canonice in eadem; iure et dignitate dicti domini nostri episcopi et ecclesie sue Dunelmensis per omnia semper salvis. In cuius rei testimonium sigillum nostrum archidiaconatus nostri Clyvelandie quo utimur in officio vicarie predicte presentibus duximus apponendum. Dat' apud Schireburn iuxta Dunelm' V^to^ Idus Marcii, anno gracie Millesimo CCC^mo^ octavo.

(Entered: Durham, Cart. II, f. 100v.)

142. *30 March 1309. Howden, Yorks. Grant by pat. and bp. of lands near Pelton to John de Werdall'.*

Omnibus hoc scriptum visuris . . . Antonius permissione divina sancte Jerosolomitane ecclesie patriarcha et episcopus Dunelmensis salutem in domino sempiternam. Noveritis nos dedisse . . . Johanni de Werdall' pro homagio et servicio suo unum mesuagium, viginti quatuor acras terre et tres placeas que Alexander de Besyng de nobis tenuit infra libertatem nostram Dunelmensem et que ad manum

nostram devenerunt post mortem eiusdem Alexandri. Dedimus eciam et concessimus eidem Johanni et heredibus suis quadraginta acras vasti nostri, videlicet septem acras iacentes in Wolleylecche, et sexdecim acras supra Peltouneclouth', et septemdecim acras in Blakstrothre. Habenda . . . predicta mesuagium et viginti quatuor acras terre cum tribus placeis que fuerunt dicti Alexandri de nobis . . . episcopis Dunelmensibus pro septemdecim solidis et novem denariis sterlingorum ad scaccarium nostrum Dunelmi singulis annis solvendis ad quatuor anni terminos generales; et supradictas quadraginta acras vasti pro viginti solidis sterlingorum annuatim ad dictum scaccarium prefatis terminis solvendis; faciendo eciam ipse Johannes et heredes sui nobis et successoribus nostris predictis tres denarios pro scutagio quociens acciderit: molendo eciam blada sua in dictis terris crescencia ad molendina nostra ad vicesimum vas. Concessimus eciam eidem Johanni et heredibus suis communam pasture pro animalibus suis propriis in bosco et mora de Cestre; ita tamen quod non obstante communa ipsa possimus nos et successores nostri de vastis nostris nos et ecclesiam nostram libere approuware. Quare volumus et precipimus quod idem Johannes et heredes sui imperpetuum habeant . . . de nobis . . . messuagium, terras, placeas et communam supradicta in feodo et hereditate per redditus et servicia supradicta sicuti est predictum. In crt. sigillum nostrum patriarchale una cum sigillo nostro episcopali indorsato apponi fecimus huic scripto. Hiis testibus: dominis Roberto de Wylegby, Philippo Darcy, Ricardo filio Marmeduci, militibus; dominis Stephano de Mawley, archidiacono Clyvelandie, tunc seneschallo nostro Dunelmensi, Rogero de Waltham, canonico London', magistris Johanne de Insula, iuris civilis professore, Johanne de Botheby, clericis et familiaribus nostris; Johanne Schirelok, Gilberto de Gategang, Gilberto de Skaresbek et aliis. Dat' apud Houeden, penultimo die mensis Marcii, anno domini Millesimo CCC° Nono; Patriarchatus nostri quarto; et c.n. vicesimo sexto.

(Conf. by pr. and c. of Durham, saving rights of their church, 29 April 1309: Durham, Misc. Charter 7125*m*. Entered: Reg. I ii, f. 34r.-v.)

143. *16 July 1309. Eltham. Presentation by pat. and bp. to the rectory of Castle Sowerby.*

Pres. by pat. and bp. of John de Jargoho, chaplain, to the church of Castle Sowerby, dioc. Carlisle.

(*Reg. Halton*, I, 324. Cf. *ibid.*, p. 323.)

144. *23 Sept. 1309. London. Letters of pat. of Jerusalem and his fellow-commissaries, delegating their powers to proceed against the Templars of Scotland to the dean of Dunblane etc.*

The pat. of Jerusalem, archbp. of York, bps. of Lincoln and Chichester, ab. of Lagny (dioc. Paris), and Sicard de Vauro, canon of Narbonne, papal chaplain and auditor of causes of the palace (*sacri pallacii causarum auditor*), deputed by Clement V with the bp. of Orleans, the ab. of St. Germain des Prés and the late Guy de Vichio, rector of Hayes (dioc. London), greet mr. William de Yetham, dean of Dunblane, Hugh de Selekyrk, archd. of Brechin, and John de Solerio, canon of St. Radegund, Poitiers, papal clerk. The letters of pope Clement, dated 12 Aug. 1308, are cited (no. 128*p supra*) authorising the senders to join with the bp. of St. Andrews in an investigation into the affairs of the Templars in Scotland. Since they are prevented from going personally to Scotland, they delegate their powers throughout the Scottish cities and dioceses to the addressees, or to two or one of them. Given at London *in Aula Episcopi.*

(Fifteenth-century transcript: B.M., Lansdowne MS. 397, ff. 197v.-200.)

145. *26 Sept. 1309. London. Letters of pat. of Jerusalem and his fellow-commissaries summoning the Templars of England and Wales to London.*

The pat. of Jerusalem, archbp. of York, bps. of Lincoln and Chichester, ab. of Lagny and Sicard de Vauro, canon of Narbonne, papal chaplain, etc., deputed by the pope with R.[1] bp. of Orleans and P.[2] ab. of St. Germain des Prés by Paris, and the late Guy de Vichio, rector of Hayes, greet all archbps., bps., and their vicars and officials in England and Wales; and notify them that in pursuance of the enquiry into the affairs of the Templars instituted by Clement V, all members of the order are to be questioned. Thereafter the order will be required to defend itself before a general council, as

[1] Ralph Grosparmi (1308-11). [2] Peter de Corpolay (1303-34).

has been published in the greater church of Poitiers. In accordance with the papal mandate issued [by the commissaries] under the seal of the official of London they cite all brethren of the order to be present before them on 16 Feb. (quindene of the Purification) in London to submit to enquiry. The addressees are to publish this citation in cathedrals, churches, public gatherings, schools, officials' courts, and in the main houses of the order. Written at London *in Episcopali aula.*

(Fifteenth-century transcript: B.M., Lansdowne MS. 397, f. 197r.-v.)

146. *1 Oct. 1309. Newnham by Bedford. Grant by pat. and bp. to Roger de Waltham of the sequestration of a prebend at Chester-le-Street.*

A. etc. dilecto in Christo filio domino Rogero de Waltham, canonico Londoniensi, familiari clerico nostro, salutem etc. Cum dudum venerabili viro domino Johanne de Drockenesford[1] in Bathoniensis et Wellensis ecclesiarum pastorem electo confirmato et bonorum ecclesiasticorum administracionem assecuto decursoque tempore post confirmacionem suam predictam de consecrandis episcopis a[2] canonibus diffinito, in omnibus fructibus et proventubus prebende quam idem dominus Johannes habuit et tenuit ex collacione nostra in ecclesia prebendali de Cestria, nostre diocesis Dunolmensis, sic vacantis et ad nostram ordinacionem tam per lapsum dicti temporis canonici quam aliter spectantis, sequestrum nostrum interponi precepissemus et fecissemus, prout nostro pastorali officio iuste incumbebat et libere pertinebat: volentes tibi, cuius laudabilia merita sunt nobis ex diuturna[3] conversacione satis nota, graciam in hac parte facere specialem, dictum sequestrum nostrum dicte prebende et fructuum eius instantis autumpni, videlicet anni domini Millesimi Trecentesimi noni, ac eciam omnes fructus, exitus et proventus de dicta prebenda ab octabis sancti Laurencii proximo preteritis etc. ac deinceps qualitercumque provenientes vel pertinentes

[1] The actual date of Drokensford's election is obscure. The royal licence to elect is dated 25 Dec. 1308, and the assent 23 Feb. 1309. His temporalities were restored on 15 May, and he was consecrated on 9 Nov. 1309. *Reg. Drokensford*, p. xviii; cf. *ibid.*, p. 29.

[2] *et* in MS.

[3] *dividna* in MS.

eidem, in quibuscumque consistant, eciam si in nominibus debitorum ad quorumcumque manus devenerunt, tibi conferimus et donamus. Et hoc omnibus quorum interest vel interesse poterit innotescimus per presentes, sigillo nostro in cuius rei testimonium consignatas. Dat' apud Newenham iuxta Bedeford per manus magistri Johannis de Insula, clerici nostri, primo die mensis Octobris, anno domini supradicto, patriarchatus nostri quarto et consecracionis nostre XXVI^te^ miseracione divina.

(Fifteenth-century transcript: B.M., Lansdowne MS. 397, f. 200.)

147. *26 Nov. 1309. London. Mandate of pat. of Jerusalem and his fellow-commissaries to the archbp. of York to meet them in conference at London.*

The pat. of Jerusalem, archbp. of Canterbury and bp. of Lincoln address the archbp. of York in virtue of a bull of Clement V, dated 12 Aug. 1308, directed jointly to themselves and to that archbp., together with the ab. of Lagney and Sicard de Vauro, appointing them (no. 128*u supra*) administrators of the goods and property of the order of Templars in England pending the enquiry into their behaviour. This commission authorises them to act in person or by deputy as papal executors and to draw up inventories in duplicate for the pope's information. They may deduct moderate expenses, but the remainder must be credited to the papal chamber annually. They are to assist in the expenses of the papal envoys sent to investigate the affairs of the Templars in England, Scotland, Ireland, Norway and Denmark. They are also to render accounts.

In accordance with this mandate, the archbp. of York is summoned to meet the other commissaries for preliminary deliberation in London on 18 December. For safety, the original bull has not been forwarded, a notarial exemplification by John de Wyndesore having been substituted for it.

(*Reg. Greenfield* IV, 302-6. Fifteenth-century transcript: B.M., Lansdowne MS. 397, ff. 200-201v.)

148. *10 Dec. 1309. Westminster. Royal licence for the pat. and bp. to have cognisance of a reserved plea.*

In response to the petition of Ralph son of William, Edward II authorises the pat. and bp. to entertain in his court the suit between

Ralph and Geoffrey de Hertepol, which had been reserved for royal cognisance when the franchise was restored to the bp.[1]

(Patent Roll: CPR 1307-13, p. 202; printed *Foedera* II i, 99.)

149. *12 Jan. 1310. The Grove, Herts. Royal mandate to the pat. and bp. to send the pyx of the Durham mint to the Exchequer for assay.*

Edward II orders the pat. and bp. to deliver his pyx of the Durham mint by his master moneyer to the royal Exchequer on 16 Feb. for assay, since the royal coin of the mints of London and Canterbury has recently been assayed there.

(Close Roll: CCR 1307-13, p. 241.)

150. *5 April 1310. London. Report by pat. of Jerusalem and his fellow-commissaries to Clement V on their dealings with Edward II about the property of the Templars.*

The pat. of Jerusalem and his fellow commissaries for administration of the property of the Templars in England (cf. no. 128*u supra*) inform the pope that after delays caused by local preoccupations of the archbp. of York, they had met for deliberation in London.[2] Thereafter they had made frequent attempts to bring to the king's notice the pope's order that all the goods of the Templars in England should be delivered to the commissaries. After difficulties and delays caused by the king's involvement at that time in various notorious difficulties, the papal mandate was presented to the king and request made for the release of Templar property already seized into the king's hand. Edward had asked time to deliberate, since the matter touched the interests of his realm (*pro eo quod non tantum ipsum set multos proceres et fere omnes regni sui contingebant*). Since then he had granted no audience to the commissaries, although his councillors had been approached by them about this matter. He had finally given his answer through the bp. of Worcester (Walter Reynolds), his treasurer, and his Dominican confessor in the same terms as before: that he could do nothing without consulting the earls and barons of his realm, for reasons which the pope could understand. The need to institute enquiries about the Templars in their dioceses and other business having caused the archbp. of York and bp. of Lincoln

[1] *Vide* no. 125 *supra*. [2] Cf. no. 147 *supra*.

to leave London, the remaining commissaries had tried to gain an answer from the king's council, meeting in the London house of the Dominicans, after the king's departure from London. Although the council was said to be authorised to give an answer, the councillors declined to say anything in the king's absence. The commissaries are still waiting for Edward's reply, in order to execute the papal mandate. Given by the pat. and the archbp. of Canterbury at London, 5 April; by the archbp. of York at Cawood by York, 22 April; and by the bp. of Lincoln at Lincoln, 16 April 1310.

(*Reg. Greenfield* IV, 322-5.)

151. *11 May 1310. Stockton. Grant by pat. and bp. to the vill of Stockton of a market and fair.*

Antonius permissione divina sancte Jerosolomitane ecclesie Patriarcha et Episcopus Dunelmensis, omnibus ballivis et fidelibus suis ad quos presens scriptum pervenerit salutem in domino. Sciatis quod ad nostrum et successorum nostrorum episcoporum Dunelmensium perpetuum commodum et tocius libertatis nostre Dunelmensis melioracionem et omnium incolarum eiusdem et maxime partium ville nostre de Stockton' adiacentium utilitatem ordinavimus, concessimus, statuimus, et hac carta nostra confirmavimus in predicta villa de Stocton' mercatum et feriam certis anni temporibus tenendam, cum omnibus que ad mercatum et feriam pertinere noscuntur: mercatum videlicet singulis diebus Mercurii imperpetuum, feriam vero singulis annis in festo translacionis sancti Thome Martiris, archiepiscopi Cantuariensis, duraturam per continuos octo dies imperpetuum: salvis nobis et successoribus nostris episcopis Dunelm' Custumis, Tolnetis et aliis iuribus et consuetudinibus ad nos et successores nostros inde sicut de ceteris mercatis et feriis infra libertatem nostram predictam pertinentibus quoquomodo. Quare volumus et precipimus quod predictum mercatum et feria suis temporibus supradictis absque impedimento de cetero futuris temporibus durantur et libere imperpetuum observantur, sicut est predictum. In crt. . . . Dat' apud Stockton, undecimo die mensis Maii, anno domini Millesimo tricentesimo decimo, patriarchatus nostri quinto et consecracionis nostre vicesimo septimo.

(Seventeenth-century transcript: Durham University Library,

Mickleton and Spearman MS. 1, f. 143v. The terms of this grant were confirmed by bp. Matthew, 4 June 1602; and by bp. Cosin, 24 April 1666; these charters are in the custody of the Town Clerk of Stockton.)

152. *12 May 1310. Stockton. Grant by pat. and bp. to Gilbert Gategang and his wife of land in Gateshead.*

Antonius permissione divina sancte Jerosolomitane ecclesie patriarcha et episcopus Dunolmensis omnibus ad quos presens scriptum pervenerit salutem . . . Noverit universitas vestra nos dedisse . . . dilecto et fideli nostro Gilberto Gategang et Sibille uxori sue pro homagio et servicio suo quadraginta et septem acras terre novi vasti in campis nostris de Gatesheuede, quarum viginti et due acre iacent in Esterleystothir, et viginti et quinque acre iacent iuxta le lonyng' et versus Birteleyburne. Habendas . . . predictis Gilberto et Sibille et heredibus suis vel suis assignatis de nobis . . . et ecclesia nostra Dunolmensi libere . . . imperpetuum. Reddendo inde annuatim nobis et successoribus nostris ad scaccarium nostrum Dunolmi viginti et quinque solidos et octo denarios sterlingorum; videlicet pro viginti et duabus acris in Esterleystrothir undecim solidos, et pro viginti et quinque acris iuxta Lonyng' et Birteleyburne quatuordecim solidos et quatuor denarios, ad quatuor anni terminos in dicto episcopatu Dunolmensi statutos, pro omnibus aliis serviciis . . . Et molent blada sua quantum molere voluerint ad molendina nostra de Gatesheuede ad tricesimum vas. In crt. . . . Hiis testibus: domino Stephano de Mauley, tunc senescallo nostro Dunolmensi; dominis Rogero de Waltham, canonico Londoniensi, cancellario nostro, Petro de Thoresby, magistris Johanne de Insula, iuris civilis professore, Johanne de Botheby, clericis nostris; dominis Roberto de Hilton, Gwychardo de Charon, Ricardo Marmeduk, Waltero de Wessington, Thoma de Whiteworth, militibus; Johanne de Birteley, Johanne de Oseworth, Johanne de Bydik et aliis. Dat' apud Stokton' duodecimo die mensis Maii, anno domini Millesimo tricentesimo decimo, patriarchatus nostri quinto et c.n. vicesimo septimo.

(Contemp. copy: Durham, Misc. Charter 7125*n*. Registered: Reg. I ii, f. 43v. Conf. by Edward II, 15 April 1312, on Charter Roll: CChR III, 193.)

153. *13 May 1310. Northallerton. Commission from pat. and bp. to the pr. of Tynemouth, the dean of Auckland, Roger de Waltham and Robert de Baldock to terminate his visitation of the convent of Durham.*

Antonius permissione divina sancte Jerosolomitane ecclesie patriarcha et episcopus Dunolmensis dilectis in Christo filiis . . priori de Tynemuth', ordinis sancti Benedicti, magistro Thome de Clyfford, decano ecclesie prebendalis de Aukeland, nostre diocesis Dunolmensis, ac domino Rogero de Waltham et magistro Roberto de Baldok, London' ecclesie canonicis, salutem, graciam et benediccionem. Cum nos in visitacione nostra ultima ex officii nostri pastoralis debito in Monasterio nostro Dunolmensi non diu est in capite et membris, in personis et rebus ut convenit celebrata, invenerimus nonnullos eiusdem Monasterii nostri monachos varias suspensionum et excommunicationum sentencias, tam propter contumacias, contemptus, rebelliones et offensas per ipsos clam et palam contra nos et nostram iurisdictionem in alia visitatione nostra prius iam diu est in prefato Monasterio nostro inchoata, non admittendo nos ad eamdem, nosque quominus ipsam excercere potuimus ut debuimus et prout incumbebat contemptibiliter inpediendo, quam eciam propter alias transgressiones et culpas temere contractas, quosdam illorum in specie, alios vero in genere, plures eciam illorum in genere et specie, per nos latas incurrisse, aliisque criminibus, delictis, excessibus, culpis et maculis involutos fuisse et esse conspersos; quorum aliquos a dictis sentenciis nuperime absolvimus in forma iuris, de nostra gracia speciali, pena ipsis infligenda nobis reservata: cumque alia invenerimus in nostra visitatione predicta, que plurimum correctione indigent et reformatione condigna, quorum expedicioni ad presens personaliter vacare non valemus: vobis, de quorum industria et circumspectione firmam in domino fiduciam optinemus, ad corrigendum et reformandum tam in personis quam in rebus defectus et crimina in nostra predicta visitatione comperta; secundum formam retroactorum per nos et nostros alios commissarios super hiis habitorum procedendum; culpas et offensas contra nos per quoscumque dicti Monasterii nostri monachos contractas, et specialiter illas propter quas plurimi eiusdem Monasterii monachi per . . Abbatem Lesatensem, executorem a sede apostolica deputatum et eius auctoritate, eo quod nos ad administrationem

bonorum spiritualium et temporalium dicti Monasterii Dunolmensis, prout ab eadem sede commissum nobis extitit, nullatenus admiserunt, excommunicationis sentencia fuerant et sunt involuti, aliasque quascumque quantum ad nos attinet remittendum monachis ipsis nomine nostro et pro nobis, prout vestro arbitrio melius videbitur faciendum; monachos eciam dicti Monasterii quoscumque a suspensionum et excommunicationum predictarum ac aliis quibuscumque sentenciis per nos seu nostra auctoritate ordinaria per quemcumque involutos, et per nos prius non absolutos, et similiter quorum absolutionem alias reservavimus nobis ipsis, dum tamen status sui reformationem in forma debita humiliter postulaverint ut convenit et devote, absolvendum; penas canonicas et penitencias salutares monachis ipsis, tam per nos absolutis quorum penas reservavimus nobis ipsis, quam per vos absolvendis, aliisque quos culpabiles inveneritis, pro modo culpe et qualitate delicti inponendum et iniungendum; eciam usque ad amotionem si culpe gravitas hoc exegerit penas ac penitencias pronunciandum; ipsas aggravandum et mitigandum; diffiniendum, exequendum, actum visitationis nostre predicte continuandum, expediendum et finaliter ac effectualiter terminandum, ac omnia et singula faciendum que circa huiusmodi reformationem morum et correctionem tam personarum quam rerum ac ad huiusmodi finalem negocii expedicionem necessaria fuerint sive oportuna et que in premissis et circa ea requiruntur, eciam quantumcumque mandatum exigant speciale, vices nostras committimus per presentes cum cuiuslibet canonice cohercionis potestate, donec eas duxerimus revocandas. Quod si non omnes hiis exequendis interfuistis, tres aut duo vestrum quos ibidem presentes esse contigerit, aliis minime expectatis, omnia premissa et singula diligenter nichilominus exequantur. Mandamus insuper per presentes dilectis filiis . . priori et capitulo nostro Dunolmensi ac omnibus et singulis dicti Monasterii nostri monachis aliisque nostris subditis et subiectis in virtute sancte obediencie et sub pena canonice districtionis, ipsis eciam per vos tres aut duos vestrum prout et quando opus fuerit monitione premissa canonica inponende, quatenus vobis in premissis reverenter pareant et intendant. Volumus eciam quod in premissorum executione dilectos filios priorem nostrum Dunolmensem, fratrem Henricum de Stanford subpriorem, ac alios duos vel tres dicti capituli Dunolmensis monachos, de quibus prout

et quando vobis tribus aut duobus vestrum magis videbitur oportunum, assessores et coadiutores vobis assumatis. In cuius rei testimonium has literas nostras vobis fieri fecimus patentes, sigillo nostro consignatas. Dat' apud Aluerton' XIII die mensis Maii, anno domini Millesimo Trecentesimo decimo, patriarchatus nostri quinto et c.n. vicesimo septimo.

(Cited in proceedings of commissaries: Durham, Misc. Charter 5711.)

154. *29 May 1310. Durham. Instrument of absolution of various Durham monks by commissaries of pat. and bp.*

Universis Christi fidelibus ad quos presentes littere pervenerint, Thomas de Clyfford, decanus ecclesie prebendalis de Aukeland, Dunolmensis diocesis, Rogerus de Waltham et Robertus de Baldok, canonici Londonienses, venerabilis patris et domini, domini Antonii dei gracia sancte Jerosolomitane ecclesie patriarche et episcopi Dunolmensis, una cum religioso viro . . priore de Tynemuth', dicte diocesis, commissarii speciales in forma infrascripta deputati, salutem in domino. Noveritis nos litteras reverendi patris et domini, domini nostri patriarche et episcopi supradicti, recepisse in hec verba: . . . (as no. 153 above).

Quarum auctoritate litterarum, nobis Thoma, Rogero et Roberto commissariis supradictis ad capitulum Dunolmense Idus Maii, anno domini supradicto, pro predictis exequendis declinantibus et nobis in hac parte commissa cum continuatione et prorogatione dierum excercentibus ibidem, comparuerunt coram nobis personaliter fratres Hugo de Monte Alto, Osbertus de Eboraco, Ricardus de Kellawe, Thomas de Aldewode, Galfridus Burdon, Rogerus de Scolacley, Thomas de Baumburgh, Michael de Chylton, Robertus de Bowes, Willelmus de Eggesclyf, Thomas de Athelingflet, Willelmus de Dunolmo, Walterus de Eggesclyf, Rogerus de Stanhop', Alanus de Marton, Johannes de Birdon, Thomas de Castro, Johannes Dri de Dunolmo, Thomas de Hessewell, Willelmus de Couton, Johannes de Seton, Ricardus de Aslacby, Willelmus de Eboraco, Johannes de Wulviston, Johannes de Laton, Rogerus de Gretham, Petrus de Hilton, Henricus de Castro, Johannes de Whyteby, Johannes de Castrobernardi, Johannes de Haxeby, Johannes de Aluerton, Ricardus de Cotesmor, Ricardus de Tyndale, et Nicholaus de Routh-

biri, monachi Monasterii Dunolmensis supradicti, petentes singillatim humiliter et devote se a sentenciis excommunicationum tam in genere quam in specie in ipsos latis pro suis offensis, rebellionibus et aliis, de quibus in supradictis litteris fit mencio, absolvi in forma iuris; offensas eciam et culpas quascumque per ipsos erga dictum patrem vel suos eius nomine qualitercumque contractas, de quibus similiter in eisdem litteris fit mencio, sibi graciose remitti. Quorum precibus annuentes, nos commissarii supradicti monachos ipsos a dictis excommunicationum sentenciis in ipsos per dictum patrem seu eius auctoritate ex dictis causis expressis vel alia quacumque latis qualitercumque, auctoritate nobis in hac parte commissa absolvimus in forma iuris: offensas insuper et culpas supradictas quascumque, qualitercumque et ex quibuscumque causis erga dictum patrem et suos contractas, remittentes eisdem. Quibus pro huiusmodi suis excessibus et commissis per ipsos in premissis contractis, auctoritate qua supra sub certis modo et forma priori dicti Monasterii Dunolmensis in scriptis per nos traditis penitencias iniunximus salutares. Et tam ipsos predictos quam omnes de dicto conventu monachos a dictis sentenciis ex habundanti in genere absolvimus, et offensas ac culpas supradictas remisimus eisdem. In quorum omnium testimonium et fidem pleniorem has litteras nostras in formam publici instrumenti per Ricardum de Ganyo, notarium publicum infrascriptum, scribi fieri et publicari fecimus, sigillorumque nostrorum appensione muniri. Dat' Dunolmi vicesimo nono die Mensis Maii. anno domini supradicto.

Et ego Ricardus natus quondam Henrici de Ganyo, clericus Conventrensis et Lichefeldensis diocesis, apostolica et imperiali auctoritate notarius publicus, predictis . . . redegi, meumque signum apposui consuetum.

(Original: Durham, Misc. Charter 5711.)

155. *5 June 1310. Eltham. Indulgence from Bek as pat. and bp. to those visiting Durham cathedral, with ratification of similar indulgences granted by others.*

Universis sancte matris ecclesie filiis presentes litteras inspecturis Antonius permissione divina sancte Jerosolomitane ecclesie patriarcha et episcopus Dunolmensis salutem in eo qui pro redempcione humani generis Jerosolimis voluit crucifigi. Gratum deo impendere

credimus obsequium ipsumque creatorem et dominum omnium precipue veneramur, dum sanctos suos devote Christianorum memorie recommendamus, eoque prestancius quo per allectiva indulgenciarum et remissionum munera ad oracionis devocionem et elemosinarum largicionem animos fidelium excitamus. De dei igitur omnipotentis misericordia, gloriose virginis Marie matris eius, sanctorum apostolorum Petri et Pauli, et beatissimi Cuthberti confessoris omniumque sanctorum meritis et precibus confidentes, omnibus Christi fidelibus de peccatis suis vere penitentibus et confessis, qui causa devocionis et oracionis ad Cathedralem Ecclesiam nostram Dunolmensem accesserint et feretrum beatissimi Cuthberti confessoris aliasque reliquias ibidem in quacumque parte dicte Ecclesie existentes visitaverint, seu de bonis sibi a deo collatis aliquid eidem Ecclesie offerendo seu alio modo largiendo caritative contulerint, quadraginta dies auctoritate nostra patriarchali, et rursum quadraginta dies iure nostro episcopali de iniuncta sibi penitencia misericorditer in domino relaxamus. Ratificantes insuper per presentes omnes indulgencias a confratribus nostris archiepiscopis et episcopis quibuscumque ex causis premissis concessas et imposterum concedendas. In cuius rei testimonium sigillum nostrum presentibus est appensum. Dat' apud Eltham, Roffensis diocesis, quinto die mensis Junii, anno domini Millesimo Trecentesimo Decimo, patriarchatus nostri quinto et consecracionis nostre vicesimo septimo.

(Original: Durham, 2a.13e. Pont. 6.)

156. *7 June 1310. Windsor. Mandate of Edward II to bp. or his deputy prohibiting action against Geoffrey de Hertelpol while absent on the king's service.*

Royal mandate to bp. or his deputy not to put Geoffrey de Herterpole in default for non-appearance in the bp's. court to hear the record and judgment of the case in the suit between Ralph son of William and Geoffrey; because Geoffrey was otherwise engaged on the king's service on 1 June (Monday after Ascension).

(Close Roll: CCR 1307-13, p. 217.)

157. *8 June 1310. Isleworth, Middlesex. Permission from pat. and bp. to ab. of St. Mary's, York, papal executor, to absolve the convent of Durham from sentences, without summoning the bp.*

Antonius permissione divina sancte Jerosolomitane ecclesie patri-

archa et episcopus Dunolmensis religioso viro domino . .[1] Dei gracia Abbati beate Marie Eboracensis salutem cum benedictione et gracia salvatoris. Cum nos pastoralis officii debitum in Monasterio nostro Dunolmensi nuperime exequentes ipsum Monasterium et Capitulum eiusdem in personis et rebus visitaverimus, et tam per nos quam per nostros commissarios defectus, excessus et crimina in eadem visitatione comperta debite correxerimus, prout predicto nostro officio incumbebat, prefatum Monasterium nostrum et personas eiusdem ad sinceritatis et tranquille devotionis statum quatenus ad nos pertinet reducere et redintegrare spiritualibus desideriis affectantes, culpas et offensas per nonnullos sepedicti Monasterii monachos in resistendo processui . . Abbatis Lesatensis, Appamiarensis diocesis, et collegarum seu subdelegatorum suorum executorum super administracione bonorum spiritualium et temporalium prioratus Dunolmensis nobis per sanctissimum patrem et dominum, dominum Clementem divina providencia summum pontificem, dudum commissa a sede apostolica deputatorum; propter quas culpas, resistencias et offensas, excommunicationis et suspensionis sentencias, irregularitates eciam et alias inhabilitates iidem monachi incurrerunt, ipsaque Monasterium et Capitulum ecclesiastico subiciebantur interdicto: que omnia per dictam visitationem nostram notorie sunt comperta: monachis ipsis, quia reatum suum in premissis fatebantur et inde graciam et misericordiam nostram devote et humiliter postulabant, misericorditer duximus remittendas. Et quia per vestram et aliorum insinuationem accepimus vobis predictos monachos a dictis sentenciis absolvendi, dispensandi eciam cum eisdem et ulterius faciendi quod incumbit in hac parte, vocatis ad id nobis et aliis evocandis, commissam a sede apostolica potestatem: cupientes ut dicti monachi nostri, sic per nos ad graciam preparati, ad honorem dei, animarum salutem et divini cultus augmentum, quicquid eis in hac parte expedierit ulterius consequantur, premissa vobis innotescimus per presentes. Et quamquam de vocatione nostra in prefata commissione vestra mencio fiat, quia tamen in nostri favorem eidem commissioni inseri dinoscitur, volumus et expresse consentimus quod cum nos hiis que vobis in hac parte committuntur nil ad presens obicere intendamus, pretermissa vocatione quacumque de nobis facienda, cui presencialiter

[1] John de Gilling, ab. of St. Mary's, York, 1303-13. (S.S. 148, pp. 34, 55.)

renunciamus, alias procedatis ad absolvendum monachos predictos et dispensandum cum eis, et alia vobis commissa in premissis plenarie exequendum, prout vobis per dicte sedis literas est commissum. In crt. . . . Dat' apud Istelworth' octavo die mensis Junii, anno domini Millesimo Tricentesimo decimo, patriarchatus nostri quinto et c.n. vicesimo septimo.

(Cited in proceedings of ab. of St. Mary's at Durham, 30 June 1310: Durham, Misc. Charter 5985).

158. *12 July 1310. Westminster. Writ of Edward II to pat. and bp. to show justice to Alan de Tesdale.*

Edwardus dei gracia Rex Anglie Dominus Hibernie et Dux Aquitanie venerabili in Christo patri A. eadem gracia Patriarche Jerosolimitano et Episcopo Dunelmensi salutem. Cum pluries vobis mandaverimus quod, audita querela Alani de Tesdale super diversis capcionibus et iniustis detencionibus averiorum ipsius Alani et aliis gravaminibus et iniuriis sibi infra libertatem vestram Dunolmensem per ballivos et ministros vestros libertatis illius et alios de eadem libertate, ut dicitur, multipliciter illatis, eidem Alano inde fieri faceretis debitum et festinum iusticie complementum, ne pro defectu iusticie in hac parte querela ad nos perveniret iterata per quod manum ad hoc in vestri defectum apponere deberemus, vel causam nobis significaretis quare mandatis nostris predictis minime paruistis: ac vos, spretis mandatis nostris vobis inde directis ut accepimus, eidem Alano de predictis gravaminibus iusticiam facere seu causam quare id facere noluistis vel non debuistis nobis significare hactenus distuleritis, in nostri ac mandatorum nostrorum predictorum contemptum manifestum et predicti Alani grave dampnum, de quo plurime admiramur: vobis iterato mandamus firmiter iniungentes quod, audita querela predicti Alani de gravaminibus et iniustis detencionibus predictis, eidem Alano debitum et festinum iusticie complementum inde fieri faciatis iuxta tenorem priorum mandatorum nostrorum vobis inde directorum, ne in vestri defectum oporteat nos eidem Alano de alio remedio providere. Et de hoc quod inde duxeritis faciendum nos sub sigillo vestro distincte et aperte sine dilacione reddatis certiores, hoc breve nobis remittentes. Teste me ipso apud Westmonasterium XII die Julii, anno regni nostri quarto. Suwell'

Endorsed: Alias vobis ad consimile breve respondimus quod parati fuimus, sumus et erimus facere Alano de Teisedale iusticiam, si in Curia nostra prosequi voluisset: et alias assignavimus eidem iusticiarios nostros coram quibus querela sua racionabiliter deducta est, et habet diem coram ipsis in quindena sancti Michaelis apud Dunelmum, qui sibi facient iusticiam si prosequi voluerit in forma iuris.

(Original: PRO., Chancery Misc. 97/4, no. 8.)

159. *11 Aug. 1310. Northallerton. Grant by pat. and bp. of land in Killerby to William son of Roger de Killerby.*

Omnibus hoc scriptum visuris vel audituris Antonius permissione divina sancte Jerosolimitane ecclesie Patriarcha et Episcopus Dunolmensis salutem . . . Noveritis nos concessisse . . . Willelmo filio Rogeri de Killerby pro homagio suo et pro servicio Centesime partis feodi unius militis tres acras terre vasti nostri abuttantes super curiam predicti Willelmi in villa de Kyllerby ad augmentacionem eiusdem curie sue; ita tamen quod non impediatur cursus aque ad molendinum nostrum de Kyllerby. Habendas . . . predicto Willelmo et heredibus suis de nobis . . . in seperali suo et pro voluntate sua includendas ut predicitur pro serviciis predictis imperpetuum. Concedimus eciam eidem Willelmo et heredibus suis quandam culturam que vocatur *le Buttes*, que abuttant super predictum vastum: reddendo inde per annum nobis et successoribus nostris predictis ad scaccarium Dunolmi unum denarium ad festum sancti Cuthberti in Septembri: volentes quantum in nobis est quod possit illam culturam includere et inclusam tenere imperpetuum. Preterea concedimus eidem Willelmo unam rodam et dimidiam vasti nostri iuxta pratum suum quod vocatur *Estmedwe* ex una parte, et iuxta cursum aque dicti molendini nostri ex altera. Habend' . . . sibi et heredibus suis de nobis . . . imperpetuum: reddendo inde annuatim ad scaccarium nostrum Dunolmi novem denarios ad quatuor anni terminos in episcopatu nostro predicto generaliter constitutos. Salvo nobis et successoribus nostris et hominibus nostris de Kyllerby libero introitu et exitu in dicta roda et dimidia ad fena nostra et hominum nostrorum falcanda, facienda et carianda: et quod post fena dicti Willelmi cariata, habeant homines nostri predicti communam pasture in eadem roda et dimidia ubique. In crt. . . . Hiis testibus:

domino Stephano de Maulay, archidiacono Clivelandie, tunc senescallo nostro Dunolmensi; dominis Roberto de Hilton, Thoma de Whyteworth, Philippo de la Leye, militibus; Ricardo de Stanlawe, tunc vicecomite nostro Dunolmensi, Johanne Schyrloc, Gilberto de Scaresbek et aliis. Dat' apud Aluerton', undecimo die mensis Augusti, anno domini Millesimo trecentesimo decimo, regni regis Edwardi filii regis Edwardi quarto, patriarchatus nostri quinto et c.n. vicesimo septimo.

(Conf. by pr. and c. of Durham, 20 March 1311, saving the rights of the church of Durham: Durham, Misc. Charter 6296*. Registered: Reg. I ii, f. 47.)

160. *17 Aug. 1310. Bp. Auckland. Grant by pat. and bp. of land in Chester-le-Street to Henry de Neusom.*

Grant by pat. and bp. to Henry de Neusom, dwelling (*manenti*) in Chester, of that tenement and house (*mansum*), which he holds of the bp. between Chester bridge and the mill-pond and Cong Burn (*Conkeburn*) for homage and service. He is to render annually 12 d. at the usual terms; and his heirs will pay a relief of ½ mark. Henry and his heirs are to mill their grain at the bp's. mill at Chester and nowhere else, paying the 24th. measure. They are granted common pasture in the woods and pasture of Chester for their own livestock, saving the rights of the bps. of approvement and enclosure in severalty. Witnesses: Stephen de Mauley, archd. of Cleveland, then bp's. steward; John de Byrteley, John de Wheteley, Henry de Ulkestan, William de Pyketre, William de Scoweland, Robert de Seleby, clerk, and others. Given at *Aukland* 17 August 1310, 4 Edward II, 5 pat. and c.n. 27.

(Conf. of bp. Kellawe, 3 April 1313: RPD II 1208-9.)

161. *28 Sept. 1310. Durham Castle. Instrument of absolution by pat. and bp. of monks of Durham.*

In Dei Nomine Amen. Per presens publicum instrumentum cunctis fiat manifestum quod anno ab incarnacione domini secundum cursum et computacionem ecclesie Anglicane Millesimo Trescentesimo decimo, indiccione nona, mense Septembri, die vicesima octava, in presencia mei notarii publici infrascripti et testium subscriptorum, exhibitis coram venerabili patre domino Antonio permissione divina

Dunolmensi episcopo litteris venerabilis patris domini Berengarii, episcopi Tusculani, domini pape penitenciarii, quas vidi ipsius sigillo pendente cera rubea patenter consignatas, non abolitas, non cancellatas nec in aliqua sui parte viciatas neque corruptas set tam in scriptura quam sigillo integras atque sanas et omni suspeccione carentes, quarum tenor talis est:

Venerabili in Christo patri . . dei gracia episcopo Dunolmensi vel eius vicario in spiritualibus, Berengarius, miseracione divina episcopus Tusculanus, salutem et fraternam in domino caritatem. Ex parte religiosorum virorum . . prioris et conventus Monasterii Dunolmensis nobis oblata peticio continebat, quod vos olim in nonnullos obedienciarios, officiarios et in quosdam singulares dicti Monasterii monachos, pro eo quod vestris non paruerunt preceptis, monitis et mandatis, ac aliis quibuscumque certis de causis, excommunicacionis sentenciam promulgastis; et ipsi alias diversas sentencias diversorum legatorum, delegatorum[1] [et] subdelegatorum sedis apostolice incurrerunt, specialiter et generaliter promulgatas; et sic ligati quidam ex ipsis tamquam simplices et iuris ignari in locis ecclesiasticis suppositis interdicto divina celebrarunt officia, quidam ordines receperunt, ministraverunt in ipsis, et alias, non tamen in contemptum clavium, inmiscuerunt temere se divinis: super quibus supplicari fecerunt humiliter eis per sedem apostolicam misericorditer provideri. Nos igitur ipsorum supplicacionibus quantum cum deo possumus in hac parte favorabiliter annuentes, auctoritate domini pape, cuius penitenciarie curam gerimus, providencie vestre committimus quatinus fratrem Thomam de Castro tunc suppriorem, Ricardum de Kellaw tercium priorem, Walterum de Eggesclyve precentorem, Rogerum de Stanhoppe celerarium, Thomam de Hessewelle terrarium, Thomam de Aldewod camerarium, Johannem de Castrobernardi et Galfridum de Burdon, monachos, et omnes alios eiusdem Monasterii monachos, quos in vestras generales sentencias, legatorum, delegatorum, subdelegatorum sedis apostolice et aliorum quorumcumque eciam speciales, dumtamen eorum iurisdiccio expirarit, inveneritis incidisse, ab excessu interdicti ecclesiastici violati iuxta formam ecclesie absolvatis. Vobis nichilominus auctoritate committentes eadem, quatinus postquam a dictis specialibus sentenciis fuerint absoluti, iniuncta cuilibet eorum super hiis

[1] Omitted in Durham, Loc. 7, no. 35.

pro culpe modo penitencia salutari et aliis que de iure fuerint iniungenda, quodque si quibus premissorum racione vel alias ad satisfaccionem tenentur, satisfaciant competenter, et in similibus decetero non excedant set interdicto durante huiusmodi illud inviolabiliter observabunt, demum suffragantibus eis meritis et alio canonico non obstante super irregularitate ex premissis contracta et ipsorum ordinum execucione cum ipsis auctoritate predicta misericorditer dispensetis. Dat' Malausen', Vasyon' dyocesis,[1] V^to^ Id' Augusti, pontificatus domini Clementis pape quinti anno quinto.

Religiosi viri dominus Willelmus de Tanfeld prior, Henricus de Staunford supprior, Thomas de Castro, Walterus de Eggesclyve, Nicholaus de Routhebyri, Rogerus de Scolacley, Willelmus de Gyseburn, Galfridus de Burdon, Thomas de Aluirton, Robertus de Dunolmo, Johannes de Castrobernardi, Henricus de Castro, Gilbertus de Ellewyk, Willelmus de Dunolmo, Alanus de Marton, Johannes de Seton, Rogerus de Stanhoppe, Michael de Chilton, Thomas de Rillington, Willelmus de Eggesclyve, Thomas de Aldewode, Thomas de Hessewell, Johannes de Aluerton, Ricardus de Aselakeby, Johannes de Haxeby, Petrus de Hilton, Johannes de Houeden, Johannes de Derlington, Johannes Luterell, Willelmus de Killingworth, Willelmus de Eboraco et Johannes de Hwyteby, monachi ecclesie Dunolmensis coram dicto domino Patriarcha Episcopo personaliter constituti, omnes et singuli, flexis genibus, devote, instanter et humiliter petiverunt offensam, si quam dictus pater contra eos vel eorum aliquos vel aliquem conceperat quacumque occasione, sibi graciose remitti; et quia bonarum mencium est timere culpam ubi culpa non est, postularunt humiliter ipsos et eorum quemlibet a sentenciis suspensionum et excommunicationum, si aliquibus per dictum patrem seu eius auctoritate, necnon a sentenciis excommunicationum quorumcumque legatorum, delegatorum et subdelegatorum sedis apostolice generaliter vel specialiter promulgatis, si aliquibus eorum auctoritate quacumque de causa fuerant involuti, absolvi et ipsas sentencias penitus relaxari. Qua peticione exaudita, idem dominus Patriarcha Episcopus omnem offensam huiusmodi remittens totaliter et simpliciter eisdem, recepto ab ipsis omnibus et singulis de stando et parendo iuri iuramento, dictas suspensionum et excommunicacionum sentencias, si que late

[1] Malaucene, dioc. Vaison, France.

fuerunt contra eos, quatenus processerant, penitus relaxavit, et ipsos priorem et monachos omnes et singulos ab ipsis sentenciis, si eis vel earum aliqua ligati extiterant, in forma absolvit consueta. (Idemque pater, iniuncta eorum cuilibet penitencia salutari, asserens ex humilitate et devocione eorumdem necnon ex causis aliis sibi constare ipsis et eorum singulis merita suffragari, nec aliquid canonicum obsistere in hoc facto, cum ipsis et eorum quolibet, si quam irregularitatem ipsi vel eorum aliquis ex causis suprascriptis quomodolibet incurrerant seu incurrerat, auctoritate predicta misericorditer dispensavit.)[1]

Acta fuerunt hec in camera venerabilis patris et domini, domini Dunolmensis Episcopi sepedicti, infra Castrum suum Dunolmi situata, anno, indiccione, mense et die suprascriptis; presentibus venerabili in Christo patre domino Thoma dei gracia Candide Case Episcopo, reverendisque et discretis viris domino Stephano de Maulay, archidiacono Clyvelandie, magistris Ricardo de Morpath, tunc Officiali Dunolmensi, et Johanne de Insula, rectore ecclesie de Boldon, ac dominis Rogero de Waltham, canonico London', et Johanne de Denton, prebendario in ecclesia de Cestria, testibus ad premissa vocatis specialiter et rogatis.

Et ego Robertus Ade de Derlington, Dunolmensis dyocesis clericus, publicus auctoritate imperiali notarius, prefatis peticioni, absolucioni et restitucioni ac omnibus et singulis premissis dum agerentur, prout suprascribuntur, sic factis, una cum testibus antedictis presens interfui et ea sic fieri vidi pariter et audivi, dictamque commissionem palpavi, legi et inspexi ac in forma prescripta transcripsi et exemplavi, nichil addens vel minuens quod sensum mutet aut minuat intellectum, publicavi et in hanc publicam formam redegi, signoque meo consueto et nomine signavi rogatus, in testimonium omnium premissorum.

(Original: Durham, Loc. 7, no. 35. There are four original notarial instruments, all under the hand of Robert Adams of Darlington, describing this ceremony of absolution. Of these Loc. 7, no. 34 is a virtual verbal duplicate of Loc. 7, no. 35, quoted above. Loc. 7, no. 35* gives the same proceedings but quotes the mandate of the papal penitenciary at the end. Loc. 7, no. 35**, gives the process of absolution only.)

[1] In Durham, Loc. 7, no. 34 only.

162. *2 Oct. 1310. Crayke, Yorks. Grant by pat. and bp. of a messuage in Durham to Roger Pychard.*

Antonius permissione divina sancte Jerosolomitane ecclesie patriarcha et episcopus Dunolmensis omnibus Christi fidelibus ad quos presens scriptum pervenerit salutem . . . Noveritis nos dedisse . . . Rogero Pychard, domicello nostro, pro homagio et servicio suo unum mesuagium cum pertinenciis, quod vocatur *Lyhtfothalle*, in ballio nostro Dunolmi, una cum gardino quod Petrus de Boulton tenuit cum mesuagio predicto; habendum . . . eidem Rogero et heredibus suis de nobis . . . imperpetuum. Reddendo inde per annum nobis . . . tres solidos ad scaccarium Dunolmi ad duos anni terminos, videlicet ad festa sancti Martini et sancti Johannis Baptiste; et elemosinario Dunolmensi qui pro tempore fuerit, decem solidos; et Johanni de Yeland et heredibus suis, duos solidos sterlingorum, sicut dictum mesuagium ante hec tempora reddere consuevit. In crt. . . . Hiis testibus: dominis Stephano de Mauley, archidiacono Clyvelandie, tunc senescallo nostro Dunolmensi, et Rogero de Waltham, canonico London', cancellario nostro, clericis; dominis Roberto de Hilton, Ricardo filio Marmaduci, Roberto de Colevill' et Hugone de Louthre, militibus; Johanne Schirlok, Gilberto de Scharesbek, Willelmo de Ergum et aliis. Dat' in manerio nostro de Crayk', secundo die mensis Octobris, anno domini Millesimo trescentesimo decimo, patriarchatus nostri quinto et c.n. vicesimo septimo.

(Conf. of Edward II, 25 Nov. 1310, on Patent Roll, 4 Edw. II, pt. 1, m.9: CPR 1307-13, p. 291.)

163. *2 Oct. 1310. Crayke, Yorks. Grant by pat. and bp. of land by Hunwick to Roger Pychard.*

Antonius . . . omnibus . . . Noveritis nos dedisse . . . Rogero Pychard, domicello nostro, pro homagio et servicio suo quadraginta acras terre vasti nostri in quodam loco qui vocatur *Lynhalgh'*, iacentes inter villam de Homewyk et aquam de Were et terram Henrici Bernard et quandam altam viam venientem de Werdale versus Hertelpol, que vocatur *Redepeth*: habendas . . . eidem Rogero et heredibus suis de nobis . . . imperpetuum. Reddendo inde annuatim nobis . . . ad scaccarium nostrum Dunolmi viginti solidos ad quatuor anni terminos . . . Volumus eciam et concedimus

quod idem Rogerus et heredes sui habeant communam pasture in foresta nostra de Werdale cum aliis libere tenentibus nostris pro animalibus suis propriis cubantibus super terram predictam, salvis nobis et dictis successoribus nostris approvamentis nostris ubique. In crt. . . . Witnesses as no. 162 *supra*.

(Conf. of Edward II, 25 Nov. 1310, on Patent Roll, 4 Edw. II, pt. 1, m. 9: CPR 1307-13, p. 291.)

164. *10 Nov. 1310. Midhurst, Sussex. Letter from pat. and bp. to Edward II regarding advance payment of a clerical tenth.*[1]

Excellentissimo Principi domino suo, domino E. dei gracia Regi Anglie Illustri, domino Hibernie et Duci Aquitanie, A. permissione eadem sancte Jerosolomitane Ecclesie Patriarcha et Episcopus Dunolmensis salutem in eo cui servire perhenniter est regnare. Litteras dominacionis vestre reverende sub magno sigillo vestro inclusas super solucione decimarum triennalium nunc currencium nobis directas, terminis Natalis et sancti Hillarii proximo futuris de bonis ecclesiasticis persolvendarum, decimo die Novembris recepimus apud Midhurst; quod sicut a Cantuariensi et aliis prelatis eiusdem Diocesis dicta solucio est concessa, ita et per nos dicta solucio dictis terminis pro nostra Diocesi esset concedenda. Quia tamen in quantum Episcopus, Archiepiscopum Eboracensem habemus superiorem, sine cuius consensu talia non poterimus ordinare quoquomodo, ad predictum Ebor' ex causa predicta cito declinabimus, deo dante: ita quod, habita deliberacione super premissis, mandatum vestrum exequemur cum effectu, et sicut honorem vestrum et comodum hactenus affectavimus, sic exnunc in omnibus hiis et aliis cupimus adimplere toto corde. Valeat vestra dominacio reverenda per tempora longiora. Dat' die et loco supradictis.

(Original: PRO., Ancient Correspondence XV, 54.)

165. *13 Dec. 1310. London. Mandate from pat. and bp. to pr. and c. of Durham concerning further treatment of monks found delinquent on visitation.*

Antonius permissione divina sancte Jerosolomitane ecclesie patri-

[1] Cf. *Reg. Greenfield* II, 96.

archa et episcopus Dunelmensis dilectis in Christo filiis priori, subpriori et tercio priori[1] Monasterii nostri Dunelmensis ac eciam omnibus et singulis prioribus, custodibus, magistris seu administratoribus cellarum et locorum quorumcumque dicto Monasterio nostro Dunelmensi pertinentium presentibus et futuris salutem, graciam et benedictionem. Cum nos nuper ut episcopus Dunelmensis, auctoritate diocesana, predictum Monasterium nostrum Dunelmensem in capite et membris, in personis et rebus, sicuti nostro incumbebat officio visitantes, quorumdem monachorum eiusdem Monasterii excessus in eadem visitatione compertos per nos et commissarios nostros diversos ad id per nos diversis vicibus deputatos correximus, penas et penitencias non condignas set pretermisso rigore nostro et eorumdum commissariorum nostrorum arbitrio misericorditer moderatas dictis monachis pro suis culpis et criminibus et excessibus infligentes, prout in premissarum visitationis [et] correctionis actubus et processibus in scriptis redactis, quos coram nobis recitatos approbavimus et ratificavimus, plenius novimus contineri: ac insinuacione clamosa didicerimus iam de novo quod quidem dicti Monasterii monachi mendaciter confingentes nos, qui post remissas offensas per eosdem monachos erga nos contractas solam penitenciam preposteracionis seu mutacionis locorum, stalli videlicet in choro et consimiliter in refrectorio et aliis locis Monasterii, quibusdem de monachis predictis inpositam relaxavimus graciose, omnes alias penas et penitencias eisdem monachis pro suis criminibus et excessibus per nos seu prefatos commissarios nostros, auctoritate nostra, iniunctas, ipsis monachis similiter relaxasse, sic inpositas ipsis penas et penitencias predictas in dampnacionis sue cumulum adimplere contempnunt, seu indebite pretermittunt: ne ipsi monachi vel alii de cetero excusaciones tales vel consimiles pretendere valeant in peccatis, quin pocius eis et ceteris omnibus auferatur cuiuslibet dubietatis materia in hac parte, vobis et vestrum cuilibet in virtute sancte obediencie et sub maioris excommunicacionis pena, quam in contravenientes proferimus in hiis scriptis, firmiter iniungendo mandamus quatenus omnes et singulas penas et penitencias quibuscumque monachis dicti Monasterii Dunelmensis per nos et commissarios nostros predictos in premisse visitacionis nostre correctionibus inpositas, vobis fratri

[1] The office of third prior was shared at this date between bros. Reginald de Barneby and Osbert de Eboraco. Durham, Loc. 7, no. 40.

Willelmo de Tanfeld priori nostro Dunelmensi, per manum magistri Ricardi de Ganyo notarii publici, clerici nostri, in scriptis alias traditas, una cum adiectionibus nostris eisdem per nos nunc factis et subsequenter faciendis servari per omnia plenarie faciatis,
m. 2d. preter solam penitenciam mutacionis locorum predictorum ut premittitur relaxatam, et illam penitenciam panis et aque, cuius mitigacionem vobis priori et subpriori Dunelm' predictis in infirmitatis vel evidentis necessitatis articulo tantum, super quo vestras consciencias oneramus,[1] commisimus hac vice de gracia speciali, donec a nobis aliud habueritis in mandatis. Omnibus eciam et singulis monachis, quibus per nos vel commissarios nostros predictos seu nostra auctoritate quacumque pene seu penitencie in prefatis dicte visitacionis nostre correctionibus iniunguntur, in virtute obediencie et iuramenti per eos de parendo iuri et stando mandatis ecclesie coram nobis vel dictis commissariis nostris prestiti, firmiter precipiendo mandamus et iniungimus per presentes quatenus, preter solas penitencias predictas, mutacionis locorum relaxatam ut premittitur, ac panis et aque per vos priorem [et] subpriorem Dunelmenses moderandam sicuti est predictum, omnes et singulas alias penas et penitencias ipsis monachis et eorum cuilibet per prefatos commissarios nostros in dictis correctionum [et] visitationis nostre predicte processubus inpositas et inflictas reverenter subeant ac obedienter faciant et compleant, sicut inobediencie ac periurii notam et excommunicacionis sentenciam, quam predictis correctionibus nostris resistentes vel non parentes eisdem non est dubium incurrere, ac alias penas graviores voluerint evitare. Et quia potestatem augendi, mutandi et minuendi penas et penitencias in prefatis correctionibus per nos et commissarios nostros predictos prefatis monachis inpositas nobis novimus specialiter reservatam, considerantes eciam quod in processu correctionum predictarum certa loca quibusdem monachis a dicto Monasterio Dunelmensi ad tempus amovendis ad penitenciam suam peragendam per dictos commissarios nostros non fuerant deputata, nos quod in eorum processu omissum fuerat sup[p]lere volentes et augere, certis ex causis, quas ut aliquorum parcamus infamie subticemus ad presens, decernimus, ordinamus[2] et precipimus quod frater Galfridus de Burdon, monachus, usque ad cellam de Coldingham infra octo dies postquam iste

[1] *onerandas* in MS. [2] *ordinarius* in MS.

nostre littere vobis priori vel subpriori Dunelmensi fuerint presentate absque more diffugio per vos priorem vel subpriorem predictos sub tuta custodia mittatur, in eodem loco continue moraturus ad penas et penitencias ipsi pro suis commissis per nostros commissarios predictos iniunctas debite peragendas toto tempore ei ad hoc per eosdem commissarios prefinito, ita quod ad predictum Monasterium Dunelmense seu alia loca durante termino predicto nullatenus redeat sive vadat nec in ipso Monasterio seu aliis eius cellis interim admittatur nec de quibuscumque officiis, dignitatibus seu administracionibus dictorum Monasterii, cellarum seu locorum se aliqualiter inmisceat nec aliquibus tractatibus in predictis Monasterio, cellis aut locis intersit nec ad premissa admittatur sub pena excommunicacionis maioris quam tam in predictum fratrem Galfridum si supradictis in aliquo contravenerit quam eciam in quoscumque alios qui contra predicta cum ipso communicaverint vel ei consilium vel favorem prestiterint contra ea proferimus in hiis scriptis. Volumus insuper et mandamus vobis priori et subpriori Dunelm' firmiter iniungentes, quatinus prefatum fratrem Galfridum ad cellam de Coldingham predictam celeriter ut premittitur mittentes, prioribus, custodibus seu administratoribus celle seu loci ipsius presentibus et futuris per vestras patentes litteras omnes et singulas penas et penitencias prefato fratri Galfrido pro suis culpis et demeritis per dictos commissarios nostros inpositas, tenorem eciam presencium continentes, in virtute obediencie qua nobis et vobis ac Monasterio Dunelmensi tenentur, vice et auctoritate nostra et vestra, efficaciter iniungatis quod prefatum fratrem Galfridum in cella vel loco prenominato recipiant et custodiant infra scepta eorumdem ac compellant eundem ad inpositas ei penas et penitencias predictas humiliter subeundas et debite peragendas, donec a nobis uberiorem graciam meruerit optinere. Volumus insuper et decernimus quod si prefatus monachus, legitimo inpedimento cessante, de iniunctis sibi penis et penitenciis supradictis aliquid pretermiserit, quod ex tunc penam duplicem subeat, quam per superiores suos continue facere compellatur; quod eciam sub penis et censuris predictis dicti loci vel celle priori, administratori seu custodi ac aliis quibuscumque monachis nostris Dunelmensibus, quamcumque administracionem in prefato loco seu cella habentibus vel infra tempora predicta habituris, exequendum iniungimus per presentes. Et ut nostra salubris

ordinacio et iniunctio supradicta, ad honorem dei et animarum salutem ac dicti Monasterii nostri Dunelmensis quietem facta, nullius astutia vel malicia tolli valeat vel mutari, tam vobis priori nostro Dunelmensi et successoribus vestris quam ceteris quibuscumque subditis nostris et aliis omnibus quibus de iure licet, absolvendi vel dispensandi super premissis correctionibus, ordinacionibus et iniunctionibus nostris seu ea aliqualiter mitigandi vel mutandi omnem potestatem vel iurisdictionem adimimus[1] et subducimus per presentes, potestatem augendi, mutandi, minuendi omnes et singulas penas et penitencias predictas et alias quascumque in prefatis visitacionis nostre correctionibus et processibus tam supradicto quam aliis quibuscumque monachis nostris inpositas nobismetipsis, specialiter absolvendi eciam et dispensandi super premissis et eorum quolibet, soli persone nostre preterquam in mortis articulo reservantes. Quicquid autem vos . . prior et subprior nostri Dunelmenses feceritis in premissis nobis per vestras patentes litteras harum seriem continentes infra quindecim dies post recepcionem presencium sub pena canonica rescribatis. Dat' London' in festo sancte Lucie virginis, anno domini M°CCC° decimo, patriarchatus nostri quinto et consecracionis nostre vicesimo septimo.

(Contemp. copy of formal publication, 12 Jan. 1311: Durham, Loc. 7, no. 40 dorse.)

166. *23 Feb. 1311. Kepier by Durham. Letters of absolution to pr. and c. of Durham from the bp's. official.*

Universis pateat per presentes quod nos, venerabilis in Christo patris et domini, domini A. dei gracia episcopi Dunolmensis . . Officialis, reverendum virum . . priorem ecclesie Dunolmensis et eiusdem ecclesie conventum, officiariosque quoscunque dicte domus qui pro tempore nostro fuerant, a quibuscunque suspensionis et excommunicacionis sentenciis, quibus per nos pro quibuscunque contumatiis, iniuriis, contemptibus seu offensis quoquomodo coram nobis vel . . commissariis nostris quibuscunque extiterant involuti, in personam procuratoris eorum habentis ad hoc speciale mandatum absolvimus in forma iuris, dictasque sentencias si que fuerant relaxavimus. In cuius rei testimonium sigillum officialitatis Dunolmensis presentibus apposuimus. Dat' apud Kepyere iuxta Dunol-

[1] *adninimus* in MS.

mum VII kalend' Marcii, anno domini Millesimo Tricentesimo decimo.

(Original: Durham, Loc. 17, no. 1.)

167. *Undated.*[1] *Petition of bp. for the king to return a charter concerning the advowson of the church of Morpeth.*

A nostre seignur le Rey prie le Evesque de Durem quil voile comaunder si luy plest quil eyt le chartre du graunt quil aid fet la son merci de la vouesone del Eglise de Morphat a le susnaunce de ses Chapeleins chauntauntz en la Eglise Dauclaund.

Endorsed: Le Rey ad graunte cete peticoun.

(Original: PRO., Ancient Petitions 218/10896.)

[1] The appropriation by bp. Bek of the church of Morpeth to the chapel attached to his manor of Bp. Auckland is noted by Robert de Graystanes (S.S. 9, p. 90), who refers also to subsequent litigation, all without mention of dates.

APPENDIX A

ELECTION ROLL OF ANTONY BEK[1]

Eleccio Antonii Episcopi

Anno domini M°CC° Octogesimo tercio, VII Idus Junii, dominus Robertus de Insula Episcopus Dunelmensis obiit apud Midilham, cuius corpus IIII Idus eiusdem sepulture traditum est in Capitulo Dunelmensi. Quo sepulto, petita est licencia eligendi a domino Rege in forma subscripta:

Littera mittenda domino Regi ad petendam licenciam eligendi.[2]

Excellentissimo Principi ac domino suo reverendo Edwardo dei gracia illustri Regi Anglie, Domino Hybernie et Duci Acquitanie devotissimi sui Ricardus Prior et Conventus Dunelmensis Ecclesie salutem et promptissimum cum omni devocione et reverencia ad beneplacita famulatum. Quoniam Ecclesia Dunelmensis per mortem venerabilis patris nostri domini Roberti quondam eiusdem Ecclesie Episcopi pastoris solacio destituta ad presens vacare dinoscitur, ad pedes excellencie vestre ad petendum a vobis licenciam eligendi Episcopum dilectos confratres et commonachos nostros Johannem de Hessewell', sacristam Ecclesie nostre Dunelmensis, et Ricardum de Hoton' loco nostro destinamus, omni qua possumus humilitate et devocione regiam vestram exorantes clemenciam quatinus si placet licenciam eligendi Episcopum nobis et Ecclesie nostre benigne concedere dignemini. Et in huius rei testimonium has litteras nostras patentes sigillo Capituli nostri signatas vestre celsitudini transmittimus. Valeat regia maiestas vestra feliciter in domino. Dat' Dunelmi III Idus Junii Anno domini M°CC° Octogesimo Tercio.

Littera domini Regis de licencia concessa.[3]

Edwardus dei gracia Rex Anglie, dominus Hybernie et Dux Acquitanie dilectis sibi in Christo . . Priori et Conventui Dunelm' salutem. Accedentes ad nos fratres Johannes de Hessewell' et

[1] For a description of this document and of the method of its editing, see Introduction, pp. XIV-XV.

[2] For similar document cf. S.S. 155, p. 49.

[3] This licence is on the Patent Roll, CPR 1281-92, p. 67.

Ricardus de Hoton' monachi domus vestre cum litteris Capituli vestri patentibus, nobis ex parte vestra humiliter supplicarunt ut cum Ecclesia vestra per mortem Roberti quondam loci Episcopi pastoris sit solacio destituta, alium vobis eligendi in Episcopum licenciam concedere dignaremur. Nos igitur precibus vestris in hac parte favorabiliter condescendentes, huiusmodi licenciam vobis duximus concedendam, mandantes quod talem vobis eligatis in Episcopum et pastorem qui deo devotus et regimini Ecclesie vestre necessarius, nobisque et regno nostro utilis et fidelis existat. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apud Rothelan' XVIII die Junii, Anno regni nostri undecimo.

R[icardus] Prior Ecclesie Dunelmensis et eiusdem loci Conventus omnibus Prioribus cellarum et Custodibus ac procuratoribus domorum seu locorum ad Ecclesiam Dunelmensem spectancium salutem in domino. Cum per mortem venerabilis patris domini Roberti quondam Dunelmensis Episcopi Ecclesia nostra sit pastoris solacio destituta, petita a domino Edwardo, dei gracia illustri rege Anglie, iuxta morem eligendi licencia ac optenta, statutus sit dies ad electionem per dei graciam de Episcopo celebrandam in Capitulo Dunelmensi VII Idus Julii, cautumque sit in concilio generali quod in eleccionibus celebrandis omnes vocentur qui debent, volunt et commode possunt interesse, vobis mandamus quatinus omnibus aliis negociis pretermissis dictis die et loco intersitis predicte eleccioni faciende, vobiscum adducturi omnes qui debent et comode possunt interesse; presentes litteras sub omni festinacione coram universis fratribus vestris publice legi facientes, scituri quod sive veneritis sive non in die supradicto, absencia vestra vel alicuius vestrum non obstante, in negocio eleccionis sub divina fiducia procedere non omittemus. Valete in domino. Dat' Dunelmi die Nativitatis sancti Johannis Baptiste, Anno domini M°CC° Octogesimo tercio.

Iniungatis fratribus vestris universis et singulis in virtute vestre obediencie quod diem eleccionis quam vobis litteratorie declaramus nemini extra vos et se publicare presumant, propter seculi maliciam quam timemus in hac parte.

(*a*) Instrument whereby after the death of bp. Insula and the obtaining of a royal licence for an election, the monks of Durham on citation assembled in chapter at Durham on 9 July. After consideration of the legal canons and of various candidates, commissaries

were appted. by the pr. and monks, viz. John de Gyseburn', Nicholas de Hexham, [1]Roger de Aslagby, William Cuthbert, Stephen de Dalton', Henry de Hurthewrth', John de Haxeby, John de Hessewell', Walter de Norton, Thomas de Devenes', Ingram de Beverlaco, Richard de Eskryck', William de Masham, Simon de Jarwe, William Luterel, Adam de Corbrig', William de Herterpol', Richard de Houeden, Richard de Scholakeley, Ambrose de Bamburg', Robert de Scholakeley, Gilbert de Schireburn', Robert de Langeley, Robert Harpyn, William de Askelby, Adam de Cayvile, Richard de [Dunelmo], Robert de Langcestre, Ralph de Middelham, Ingram de Schatton', Robert de Mitford', Roger de Bywell', William Wake, William de Hurthewrth', Geoffrey [de Castro, William] de Castro, Richard de Brumpton', Roger de Stanop', Peter de Segefeld', Henry de Fayceby, Richard de Haluton', Richard de Otrington', Luke de G[yseburn, Michael] de Schilton', Nicholas de Eboraco, Warner de Kykeleswyck', John de Elveth', Reginald de Barneby, Peter Fraunces, Ralph de Castro, William de . . ., Thomas de Wlviston, Roger de Castro, John de Seleby, Thomas de Ba[mburg'], Robert de Wakerfeld', Adam de Nor[ton'], Thomas de Castro, John de Emeldon', John de Wlviston', Thomas de Adelingflet, Thomas de Wlveston, Walter de Eggesclyve, Geoffrey de Sancto Botulpho, [Ralph] de Mordon', Henry de Stanford', Thomas de Dunelmo, John de Hexham, Thomas de Aldewod', Roger de Scholakeley, Simon de Grymmesby, Geoffrey de Haxeby, Robert de Stanlawe, Stephen de Houeden, John de Hexham, Adam de Ellincham, and William de Gyseburn'. These commissaries, Hugh de Derlington', former prior of Durham, Henry de Hornecastre, prior of Coldingham, Roger de Meddeley, subprior of Durham, Richard de Barneby, prior of Holy Island, Stephen de Houeden, Henry de Tesdale and Richard de Hoton', monks, were to select a candidate by election, nomination or postulation, who would be made publicly known by one of them. Given in Chapter the same day (9 July 1283).[2]

(*b*) Instrument whereby the above commissaries (as *a*), after due deliberation apart, appt. Hugh de Hornecastre, pr. of Coldingham,

[1] *etc.* in MS. Names supplied from contemp. copy of instrument: Durham, Loc. 6, no. 13. Names in square brackets derive from Durham, Misc. Charter 5709 (38).

[2] Printed S.S. 155, pp. 54-5.

a fellow-commissary, to elect as bp. Antony Bek, archd. of Durham.[1]

(*c*) Instrument whereby Hugh de Hornecastre, after rehearsal of the facts given in (*a*) and (*b*) above, publicly elects Antony Bek as bp. of Durham. Acted in Chapter etc.[2]

m. 2. Reverendo patri in Christo ac domino W[illelmo] dei gracia Archiepiscopo Eboracensi, Anglie primati, devoti eius filii R[icardus] prior Dunelmensis Ecclesie et eiusdem loci Capitulum salutem in domino et debitam tanto Patri reverenciam cum honore. Sacris canonibus novimus esse cautum ut ultra tres menses pontifice proprio cathedralis non vacet Ecclesia ne lupus rapax pro deffectu pastoris gregem invadat dominicum, aut in suis facultatibus Ecclesia viduata grave dispendium paciatur.[3] Eapropter bone memorie Roberto Episcopo nostro anno domini M°CC°LXXX° Tercio, VII idus Junii, sicut domino placuit ab hac luce subtracto, et corpore ipsius prout moris est ecclesiastice tradito sepulture; petita a domino Edwardo illustri Rege Anglie eligendi licencia et obtenta, nos convenientes in unum ad eleccionem futuri Pontificis nostri canonice celebrandam VII idus Julii terminum duximus statuendum. Citatis igitur interim ad dictum diem citandis et tunc presentibus omnibus qui eleccioni celebrande debuerunt, voluerunt et potuerunt commode interesse, in Capitulo nostro, loco ad hoc apto et consueto, nos recepimus de eleccione futuri Pontificis tractaturi. Et invocata spiritus sancti gracia, post diversos tractatus inter nos habitos et nominaciones diversarum personarum simplices, tandem lecta constitucione concilii generalis *Quia propter*, placuit nobis universis et singulis per viam compromissi nostre viduate ecclesie de Episcopo et Pastore providere. Dedimusque potestatem fratribus Hugone de Derlington' quondam Priori Dunelmensi, Henrico de Hornecastre Priori de Coldingham, Rogero de Medeleye Suppriori Dunelmensi, Ricardo de Barneby Priori de Insula, Stephano de Houeden', Henrico de Tesdale et Ricardo de Hoton', fratribus et commonachis nostris, viris utique fidedignis de quorum discrecione, circumspectione et ordinata in timore domini voluntate certa habebatur fiducia, ut iidem vel maior pars ipsorum vice sua et nostra per eleccionem canonicam vel nominacionem sollempnem seu postulacionem Ecclesie nostre supradicte vacanti prout convenirent inter se de persona ydonea providerent de gremio Ecclesie nostre

[1] Printed *ibid.*, pp. 55-6. [2] Printed *ibid.*, pp. 56-7. [3] Decretales I, 6, 41.

supradicte vel aliunde: ita quod unus ipsorum de consensu aliorum concompromissariorum vel maioris partis eorum vice sua et collegarum et nostra illum in quem omnes convenirent seu maior pars eorum conveniret eligeret in Episcopum Ecclesie nostre predicte Dunelmensis et Pastorem, et eleccionem sollempniter in nostra presencia puplicaret. Qui omnes septem tali potestate in scripto sigillo Capituli signato accepta, secedentes in partem, iterato invocata spiritus sancti gracia, et de diversis personis prout nobis postmodum retulerunt precedente tractatu et deliberacione prehabita diligenti, deum pre oculis habentes, in dominum Antonium Bek, Archidiaconum Ecclesie nostre Dunelmensis predicte, tunc absentem, vice sua et tocius Capituli in omni concordia unanimiter consenserunt nobis et Ecclesie nostre Dunelmensi in Episcopum eligendum et pastorem, virum utique plene et mature etatis, sufficientem et ydoneum, de matrimonio legitimo susceptum, in sacris ordinibus constitutum, providum, discretum, castum, in spiritualibus et temporalibus circumspectum, morum vita et litterarum sciencia merito commendandum. Quem predictus frater Henricus de Hornecastre Prior de Coldingham, unus ex dictis septem compromissariis, de speciali mandato aliorum compromissariorum, sociorum suorum suprascriptorum, videlicet Hugonis, Rogeri, Ricardi, Stephani, Henrici et Ricardi in hunc modum elegit: . . . as (*c*) . . .

Dictam vero eleccionem sic canonice et sollempniter celebratam et puplicatam in communi omnes unanimiter recepimus et approbavimus; *Te deum Laudamus* more solito decantando. Quo finito, ipsam electionem coram Clero et populo sollempniter fecimus publicari.

Reverende igitur paternitati vestre duximus unanimiter supplicandum ut electionem supradictam dignemini confirmare et electo nostro predicto munus consecracionis per sacrarum vestrarum imposicionem manuum impartiri, quatinus, auctore deo, nobis velud pastor ydoneus et toti Episcopatui in hiis que ad Episcopum spectant preesse valeat et prodesse, nosque et alii sibi commissi sub eius sacro regimine possimus coram deo salubriter militare. Ut autem omnium nostrum vota in predictis omnibus et singulis concordasse et in hanc eleccionem et peticionem convenire noscatis, reverende paternitati vestre hoc canonicum decretum mittimus roboratum propriis manibus et subscriptum et ad maiorem cautelam sigillo Capituli

nostri sigillatum. Act' in Capitulo Dunelm' die et anno prenotatis.[1]

Sanctissimo ac beatissimo patri et domino reverentissimo domino Martino divina providencia sacrosancte Romane et universalis Ecclesie summo Pontifici, devoti filii R. Prior et Conventus Ecclesie Dunelmensis devota pedum oscula beatorum. Sacris canonibus etc.

Beatitudini igitur vestre duximus unanimiter supplicandum ut cum Archiepiscopus Eboracensis loci Metropolitanus auctoritate iudicum a sede apostolica delegatorum vinculo excommunicacionis maioris puplice innodatus existat, eleccionem supradictam dignemini confirmare et electo nostro predicto munus consecracionis per sacrarum vestrarum imposicionem manuum impartiri, quatinus auctore deo nobis velud pastor ydoneus et toti Episcopatui in hiis que ad Episcopum spectant preesse valeat et prodesse, nosque et alii sibi commissi sub eius sacro regimine possimus coram deo salubriter militare. Ut autem omnium nostrum vota in predictis omnibus et singulis concordasse et in hanc eleccionem et peticionem convenire noscatis, maiestati apostolatus vestri hoc canonicum decretum mittimus roboratum propriis manibus et subscriptum et ad maiorem cautelam sigillo Capituli nostri sigillatum. Act' in Capitulo Dunelm' die et anno prenotatis.

In nomine domini amen. Notum fiat universis quod anno domini M°CC°LXXX° Tercio, VII idus Junii, bone memorie Roberto Dunelmensi Episcopo sicut placuit domino ab hac luce subtracto et corpore ipsius prout moris est ecclesiastice tradito sepulture; nos Ricardus Prior et Conventus Ecclesie predicte Dunelmensis, petita a domino Edwardo illustri rege Anglie etc. Ut autem omnium nostrum vota in predictis omnibus et singulis concordasse et in hanc eleccionem et peticionem convenire noscatis, hoc canonicum decretum fieri fecimus roboratum etc. Dat' in Capitulo Dunelm' die et anno prenotatis.

Reverendo viro et discreto domino Antonio Bek, Archidiacono Dunelmensi, sui humiles et devoti Prior et Conventus Ecclesie Dunelmensis salutem cum omni reverencia et honore. In huius seculi mutabilitate quasi in pelago fluctuantes cotidianis perturbacionibus atteruntur multipliciter et procellis, ac per culpam prothoplasti mortalitatem in posteros transferentem, nature debitum singulis diebus particulariter solvere comprobantur; felicis siquidem memorie

[1] *Vide infra*, p. 190 for Wickwane's letter of confirmation to the king.

domino Roberto quondam Dunelmensi Episcopo prout domino placuit ab hac luce subtracto et corpore ipsius ecclesiastice tradito sepulture, cuius anime propicietur altissimus, sicque Ecclesia Dunelmense viduata pastore: petita a domino Rege eligendi licencia et optenta ac ceteris omnibus rite et legitime peractis, nos ad personam vestram quam dominus multis virtutibus insignivit consideracionis convertentes intuitum, vos, divina inspirante providentia, canonice elegimus in Ecclesie Dunelmensis Episcopum et pastorem. Quocirca ad ipsam eleccionem vobis presentandam et consensum vestrum in hac parte iuxta iuris exigentiam petendum . . Suppriorem nostrum, fratrem Henricum de Tesdale et Nicholaum de Appelby, clericum nostrum, sinceritati vestre speciales nuncios duximus destinandos, discrecioni vestre humiliter supplicantes quatinus huiusmodi eleccioni de vobis canonice celebrate consensum tribuere et eidem dignemini consentire, nobis vestre beneplacitum voluntatis in hac parte per dictos nuncios significantes. In premissorum fidem et testimonium veritatis has litteras nostras patentes vobis sigillo Capituli nostri transmittimus communitas. Valete. Dat' Dunelmi II Idus Julii anno domini M°CC° Octogesimo Tercio.

Reverendo viro et discreto et amico in Christo, amantissimo domino Antonio Bek, Archidiacono Dunelmensi, sui humiles et devoti Prior et Conventus Dunelmensis Ecclesie salutem cum reverencie debite famulatu. Vacante Ecclesia Dunelmensis per mortem venerabilis patris Roberti de Insula quondam eiusdem ecclesie Episcopi et corpore eius tradito sepulture, post petitam eligendi licenciam et optentam, vocatis et convenientibus omnibus in Ecclesia Cathedrali qui voluerunt, debuerunt et potuerunt commode interesse, placuit omnibus per viam compromissi Ecclesie viduate providere, et sic de voluntate omnium et singulorum electi fuerunt septem de collegio nostro viri fidedigni quorum nomina in decreto electionis per ordinem plenius continentur; ut ipsi vel eorum maior pars iuxta formam potestatis sibi tradite vice omnium Ecclesie providerent viduate. Qui inter se habito diligenti tractatu, vos unanimi consensu et concordi in Episcopum Ecclesie Dunelmensis elegerunt et pastorem: cui electioni nos omnes et singuli consensum prestitimus et assensum. Quocirca dominacioni vestre humiliter supplicamus tenore presencium instancius postulantes quatinus electioni de vobis sic canonice et concorditer facte in amplexibus

Jesu Christi feliciter consentire dignemini. Attendentes si placet in sacris canonibus esse cautum ut ultra tres menses Pontifice proprio Cathedralis non vacet Ecclesia, ne Lupus rapax pro defectu pastoris gregem invadat dominicum aut in suis facultatibus Ecclesia viduata grave dispendium paciatur. In premissorum fidem et testimonium veritatis has litteras nostras patentes vobis sigillo Capituli nostri transmittimus communitas. Diu valete et feliciter in omnium salvatore. Dat' Dunelmi III Idus Julii anno domini M°CC° Octogesimo Tercio.

[1]Excellentissimo principi et Domino quamplurimum Reverendo domino E. dei gracia illustri Regi Anglie, Domino Hybernie et Duci Acquitanie devoti et fideles sui R. Prior et Capitulum ecclesie Dunelmensis salutem et oraciones in domino Jesu Christo. Celsitudini vestre tenore presencium duximus intimandum quod post obtentam a vobis licenciam eligendi, spiritus sancti gracia cum oracionibus et devotis gemitibus invocata, tandem convenientibus nobis in Capitulo et omnibus que ad eleccionem pertinent rite peractis, votisque nostris maxime ad deum directis, dominum Antonium Bek, ecclesie nostre predicte Dunelmensis Archidiaconum, virum providum et discretum, devotum ac fidelem vestrum, concorditer et uniformiter, nullo nostrum aliquatenus reclamante, quasi fuerit ex sola disposicione divina provisum, die videlicet VII Idus Julii a toto Capitulo ad eligendum prefixo, per viam compromissi canonice nobis in Episcopum providimus et Pastorem. Quare ad presentandum maiestati vestre sicut est debitum eundem electum nostrum transmissis fratribus Rogero de Medeley, Henrico de Tesdale et Ricardo de Hoton', commonachis nostris, humiliter supplicamus quatinus divine retribucionis obtentu, et eleccionem pariter et electum dignemini per vestre gracie assensum liberaliter approbare. Has nostras litteras ad maiorem evidenciam patentes vobis sigillo Capituli nostri transmittimus communitas. Dat' etc.[2].

Excellentissimo principi et domino quamplurium reverendo domino E. dei gracia illustri Regi Anglie, domino Ybernie et duci Acquitanie devoti et fideles sui R. Prior et Capitulum Ecclesie Dunelmensis salutem et oraciones in domino Jesu Christo. Celsitudini vestre tenore presencium duximus intimandum quod post obtentam

[1] This letter is written after the next item in the roll, with an inversion mark.
[2] Printed S.S. 155, p. 63.

a vobis eligendi licenciam, spiritus sancti gracia cum oracionibus et devotis gemitibus invocata, tandem convenientibus nobis in Capitulo et omnibus que ad eleccionem pertinent rite peractis, votisque nostris maxime ad deum directis, dominum Antonium Bek, Ecclesie nostre predicte Dunelmensis Archidiaconum, virum providum et discretum, devotum ac fidelem vestrum, concorditer et uniformiter, nullo nostrum aliquatenus reclamante, quasi fuerit ex sola disposicione divina provisum, die videlicet VII idus Julii a toto Capitulo ad eligendum prefixo, per viam compromissi canonice nobis in Episcopum providimus et pastorem. Qui eleccioni per nos de se sic facte humiliter requisitus ac instanter interpellatus sicut convenit, consentire aut consensum prestare denegavit omnino, quod lacrimosis suspiriis explicamus. Quocirca nos pro nobis et Ecclesia nostra Dunelmensi pastoris regimine ac patrocinio sic destitutis, dilectos commonachos nostros Rogerum, H[enricum] et Ricardum latores presencium ad pedes vestre celsitudinis iterato transmittimus, vobis humiliter supplicantes quatinus ut de pastore nobis ydoneo oportuna possimus celeritate, invocata spiritus sancti gracia, providere, eligendi nobis licenciam sicut deposcimus iuxta regalem consuetudinem si placet concedatis. Valeat dominus Rex, dominus noster, hic et in evum. Dat' etc.

m. 3. (*d*) Letters of the pr. and c. of Durham to pope Martin IV notifying him of their appt. of bros. Roger de Meddeley, Stephen de Houeden', Henry de Tesdale and Richard de Hoton' as their proctors, to present Bek to the pope and to obtain for him papal confirmation and consecration. They are also empowered to deal with any other business there touching the election. Given at Durham, 7 Kal. Aug. 1283 (26 July 1283).[1]

Letters patent of the pr. and c. of Durham appting. the above (as *d*) as their proctors and syndics, with comprehensive powers to promote the business of the election at the Curia. Given at Durham, 1283.[2]

(*e*) Letters patent of the pr. and c. of Durham appting. the above (as *d*) as their proctors to present Bek to the pope, and empowering them in case of the death of Bek or other impediment to proceed to another election or postulation at the papal Curia, and to prosecute

[1] Printed S.S. 155, p. 58.
[2] Printed *ibid.*, pp. 59-60.

the business of the latter election there. Given at Durham, 7 Kal. Aug. 1283.[1]

Repetition of the above (*e*). Given at Durham, 7 Kal. Aug. 1283.

Letters of the pr. and c. of Durham to William, archbp. of York, notifying their appt. of the above (as *d*) as their proctors to present the elect to him for confirmation and consecration, and to prosecute any other business touching the election. Given at Durham on the morrow of the feast of St. James the Apostle (26 July) 1283.[2]

Letters of the pr. and c. of Durham to W., archbp. of York, notifying their appt. of the above (as *d*) as their proctors in the business of the election. Dated as above.[3]

Letters of the pr. and c. of Durham to W., archbp. of York, notifying their appt. of the above (as *d*) as their proctors to present the elect and request his confirmation. Dated as above.[4]

Letters patent of the pr. and c. of Durham appting. the above (as *d*) as their proctors and syndics before W., archp. of York, his commissaries or auditors, in business concerning the election. Dated as above.[5]

Universis Christi fidelibus presentes litteras etc., Prior et Conventus Ecclesie Dunelmensis Ordinis sancti Benedicti Salutem in domino sempiternam. Noverit universitas vestra quod nos constituimus, facimus et ordinamus dilectum nobis in Christo Magistrum Adam de Fylyby, Archidiaconum Salopsyr' in Ecclesia Hereford', procuratorem nostrum ad prosequendum coram summo pontifice vel auditoribus aut auditore quos vel quem duxerit deputandis vel deputando negocium eleccionis nostre de domino Antonio Beck, Archidiacono Dunelmensi, viro provido et discreto, quem nuper per viam compromissi concorditer elegimus in Ecclesie nostre Episcopum et pastorem; et ad impetrandum negocium premisse eleccionis et ipsam eleccionem qualitercumque contingencia aliquibus Episcopis in Anglia committi, qui possint eleccionem et personam electi examinare et subsequenter confirmare pariter et consecrare, salvo iure Metropolitani cum ad Ecclesie unitatem redierit; necnon ad petendum nomine nostro, Ecclesie nostre et electi prefati et postulandum a liberalitate apostolica graciam et dispensacionem in premissis. Ad hec sibi specialem potestatem tribuimus per presentes;

[1] Printed *ibid.*, pp. 60-1. [2] Printed *ibid.*, p. 61. [3] Printed *ibid.*, p. 62.
[4] Printed *ibid.*, p. 62 [5] Printed *ibid.*, pp. 62-3.

ratum habentes et firmum quicquid idem Magister Adam nomine nostro ut premissum est in premissis omnibus et singulis et quodlibet premissorum duxerit faciendum aut eciam procurandum. In cuius rei testimonium Sigillum Capituli nostri commune presentibus fecimus apponi. Dat' Dunelmi VII Kal' Augusti, anno domini M°CC° Octogesimo Tercio.

(Original: Durham, Misc. Charter 5346.)

The letter sent by archbp. Wickwane to Edward I announcing his confirmation of Antony Bek in the bpric. of Durham, and requesting restoration of the temporalities is as follows:

Serenissimo Principi Domino E. dei gracia Regi Anglie illustri, Domino Hybernie et Duci Acquitanie, W. permissione eiusdem Eboracensis Archiepiscopus, Anglie Primas, salutem . . . Presentata nobis ex parte Prioris et Capituli Dunolmensis eleccione eorumdem, Regia petita licencia et optenta, de venerabili viro domino Antonio Bek' in Episcopum Dunolmensem facta, ac receptis litteris vestris de Regio assensu eidem electo prestito: nos ad examinacionem eleccionis eiusdem legitime procedentes, pro eo quod eam, servato iuris ordine, examinatam canonice invenimus celebratam, ipsam auctoritate Metropolitica duximus confirmandam, predicto domino Antonio canonice electo spiritualia committentes. Quocirca vestre excellencie Regie supplicamus quatinus quo ad temporalia ad Episcopatum Dunolmensem pertinencia, quod vestrum est circa predictum Electum velitis ulterius exequi quod incumbit. Conservet vos ad utilitatem ecclesie et populi sui deus per tempora feliciter successiva. Dat' apud Lanum kalend' Septembris, Anno gracie M°CC° Octogesimo Tercio.

(Original: PRO., Ecclesiastical Petitions, File 8/15.)

APPENDIX B

Two notarial instruments of appeals by the pr. and c. of Durham against the bp. on the occasion of his attempt to visit them.

(*a*) *20/21 May 1300. Appeal by pr. and c. against the form of visitation used by bp. Bek towards them, and against the disciplinary action taken by him as the result of their contumacy.*

In nomine domini Amen. Anno a Natívitate eiusdem M°CCC°, indiccione decima tercia, mensis Maii die vicesimo, cum venerabilis in Christo pater dominus Antonius permissione divina Dunolmensis episcopus ad ecclesiam suam Dunolmensem personaliter declinasset visitacionis sue officium, ut dicebatur, religiosis viris priori et conventui loci eiusdem tam in personis quam rebus eorumdem impensurus, capitulumque ipsorum religiosorum una cum dictis religiosis priore et toto conventu [necnon et cum] prioribus cellarum dicte prioratus [forinseci]s et suis secus confratribus, qui ibidem causa visitacionis predicte convenerant, intrasset visitacionem suam predictam peracturus, existentes ibidem tam cleri quam populi [in multitudine c]opiosa una cum magistris Elya de Couton', Adam dicto de Lindesaya et Ricardo de Gany, publicis notariis et me notario infrascripto, dictus pater in primis verbum dei sicut moris est predicavit[1] et statim finita sua predicacione ad actum visitandi procedens, precepit per quemdam suum clericum quoddam certificatorium incipere publice recitari, visitacionis sue predicte officium sic volens ut videbatur exercere. Cumque dicti religiosi ibidem presentes prefatum visitandi modum insolitum perpendebant, ipsisque totaliter extraneum et sibi in immunitatibus suis, iuribus et libertatibus hactenus optentis et temporibus retroactis usitatis in singulis visitacionibus tam . . archiepiscoporum Eboracensium quam episcoporum Dunolmensium qui pro tempore fuerint preiudicativum penitus ut dicebant, petebant ab eodem patre humiliter et devote tam per se quam per suos ibidem presentes clericos quod si voluerit idem pater visitacionis sue officium in ipsos religiosos excercere, quod

[1] His text was: "Visitatio tua custodivit spiritum meum" (Job 10.12). Hemingburgh, *EHS*, II 214.

amotis amovendis ipsam suam visitacionem inchoaret et ipsi parati fuerunt ipsum cum omni mansuetudine et reverencia recipere et visitacionem suam subire dum tamen idem pater modum quem predecessores sui ipsos visitando a tempore a quo non existit memoria tenuerunt non excederet, et super hoc paternitatem suam reverendam instanter et cum effectu rogarunt, adicientes quod idem pater ipsis . . priori et monachis in camera sua in castro Dunolmi cum consilio suo ipso eodem die paulo antequam ad capitulum predictum declinasset ipsis religiosis promiserat bona fide quod in dicto capitulo statim inmediate post completum sermonem suum antequam ad aliquem actum procederet visitandi, ipsos religiosos benigne voluerit ascultare ita ut si que pro se dicere, exhibere vel preponere vellent que ipsum a proposito suo de iure repellere possent vel debent, quod ad ea proponenda, dicenda et exhibenda ipsos admitteret et ipsis super hiis benignam audienciam prestaret. Et quia dictus pater peticionibus suis et demonstracionibus premissis adquiescere non curavit set pocius lecturam dicti certificatorii precepit per suos continuari, dicti . . prior et conventus de dicto capitulo recesserunt, procuratore ipsorum, fratre Roberto de Routhebiry, commonacho Dunolmensi [cum] clericis dicti prioris ibidem coram dicto patre expectante et procuratorium suum manu magistri Elye de Couton' publici auctoritate pape notarii confectum signoque suo solito consignatum publice perlegente, cuius procuratorii in omnibus et per omnia tenor est talis:

In nomine domini amen. Anno a Nativitate eiusdem M°CCC°, indiccione decima tercia, die Jovis XIII mensis Maii exeuntis, in presencia mei notarii et testium subscriptorum, venerande religionis viri domini prior et conventus monasterii Dunolmensis, ordinis sancti Benedicti, de communi eorum omnium consensu Robertum de Routhebiry commonachum suum procuratorem suum constituerunt in forma que sequitur infrascripta:

Universis Christi fidelibus presentes litteras visuris vel audituris Ricardus . . prior monasterii Dunolmensis et eiusdem loci conventus salutem in domino sempiternam. In omnibus causis et negociis nos vel ecclesiam nostram seu capitulum qualitercunque contingentibus, motis vel movendis coram quibuscunque iudicibus ordinariis, delegatis, vel eorum . . commissariis, arbitris et executoribus quibuscunque, contra quoscunque adversarios nostros

diebus et locis quibuscunque dilectum nobis in Christo fratrem nostrum et commonachum Robertum de Routhebiry nostrum facimus, ordinamus et constituimus procuratorem per presentes, dantes eidem potestatem nomine nostro et ecclesie antedicte agendi, defendendi, litem contestandi, ponendi, posicionibus respondendi, quodlibet genus liciti sacramenti in animabus nostris prestandi, status nostri reformacionem et in integram restitucionem quociens necesse fuerit petendi et optinendi, crimina et defectus in quascunque personas obiciendi, expensas petendi et recipiendi, alium procuratorem seu alios procuratores loco sui substituendi quocienscunque sibi viderit expedire, ac huiusmodi substitucionem quociens voluerit revocandi, sentencias interloquitarias vel diffinitivas audiendi, provocandi, appellandi et appellaciones prosequendi, innovandi et notificandi, priori mandato suo quandocunque ipsum contigerit aliquem substitutum revocare utendi, ac omnia et singula faciendi sine quibus veri et legitimi procuratoris officium nequiverit explicari. Cauciones rem ratam haberi et iudicatum solvi pro eodem procuratore et eius substituto et substitutis sub ypoteca rerum nostrarum promittimus et exponimus per presentes. Hoc idem iudicibus et adversariis necnon omnibus quorum interest tenore presencium significamus. Act' et dat' Dunolmi in pleno monasterii capitulo celebrato, anno, die et indiccione superius annotatis. Et ego Elyas de Coutona clericus apostolica auctoritate publicus notarius premissa quibus interfui rogatus scripsi et publicavi, meoque signo solito consignavi.[1]

Perlecto procuratorio memorato, idem frater Robertus, dictorum religiosorum ut premittitur procurator, nomine dictorum prioris et conventus et proprio, quamdam in scriptis provocacionem alias ad curiam Eboracensem et in ipsius defectum ad sacrosanctam sedem apostolicam videlicet die Jovis proximo precedente interpositam ut dicebat coram ipso patre innovavit et de novo interposuit sub hac forma:

In dei nomine amen. Cum religiosi viri . . prior et capitulum monasterii Dunolmensis, ordinis sancti Benedicti, a multis retro temporibus eciam a tempore cuius memoria non existit usque in diem hodiernum, iuste, pacifice et inconcusse fuerint et adhuc sint in possessione vel quasi iuris, libertatis et immunitatis talis: videlicet,

[1] Original is Durham, Loc. 7, no. 51.

quod cum episcopi Dunolmenses qui pro tempore fuerint visitacionis sue officium in eodem capitulo exercuerint, iidem episcopi soli per se absque aliis religiosis sibi adiunctis vel clericis secularibus quibuscunque huiusmodi visitacionem suam hactenus impendere consueverunt, iidemque religiosi ipsos episcopos visitantes solos ut premittitur in capitulo hucusque admiserunt: adeo quod si episcopi visitantes ibidem in aliquo racione visitacionis sue servicio seu officio alicuius clerici indiguerint, per monachum vel monachos eiusdem capituli eiisdem episcopis solitum est in hac parte ministrari. Que quidem omnia et singula antedicta in civitate et diocesi Dunolm' publica sunt, notoria et manifesta. Cumque vos reverende in Christo pater domine Antonie dei gracia episcope Dunolmensis super visitacione vestra in eodem capitulo facienda in crastino videlicet Ascensionis dominice nunc presentis, prefatis religiosis nuper sicut moris est litteras vestras direxistis, ex quarum tenore litterarum evidens elici poterit coniectura quod causa pocius eosdem religiosos molestandi quam aliud quicquam in caritate corrigendi procedere intenditis in hac parte, et ex eo maxime quod temporibus proximo retroactis per vos pater antedicte et vestros quorum excessus sollicitudinem vestram corrigere convenit et curare, varia gravamina, molestaciones et iniurie prefatis religiosis tam in personis quam rebus multipliciter sunt illata, que quidem gravamina, molestaciones et iniurias cum debita reverencia quampluries requisiti emendare hactenus recusastis et adhuc recusatis in presenti, que quidem molestaciones et iniurie in diocesi Dunolmensi adeo sunt manifeste et notorie quod eas non est necesse serie presencium specialius explicare; ego Robertus de Routhebiry, eiusdem monasterii commonachus, procurator eorumdem religiosorum legitime constitutus, metuens ex supradictis et aliis verisimilibus coniecturis per vos pater antedicte prefatis religiosis in possessione sua vel quasi libertatis et inmunitatis de quibus superius est expressum, necnon in aliis eosdem religiosos et eorum statum tangentibus preiudicium generari in futurum, volensque pocius prevenire quam preveniri, ne vos domine episcope antedicte quicquam in preiudicium dictorum religiosorum seu mei statusve eorum seu mei faciatis, ordinetis, statuatis seu decernatis vel quicunque alius auctoritate vestra, vice vel mandato faciat, ordinet, statuat vel decernat, suspendendo, excommunicando, interdicendo, sequestrando, priorem, monachos, officiales seu obedi-

enciarios in quocunque officio ammovendo vel deponendo, alios religiosos vel clericos seculares in visitacione vestra vobiscum in capitulum contra solitum modum et usum notorium capituli memorati ad actum visitacionis exercendum introducendo, cognoscendo, pronunciando, diffiniendo seu quodcunque durum vel penale contra eosdem religiosos vel aliquem eorumdem seu eciam contra statum ipsorum qualitercunque iniuste statuendo vel attemptando, curiam Eboracensem et in eiusdem curie defectum sacrosanctam sedem apostolicam in hiis scriptis provoco et appello, subiciens ex nunc predictos religiosos omnes et singulos et meipsum ac omnes eisdem adherentes, advocatos et procuratores, clericos suos alios et laicos quoscunque, iura, libertates et immunitates ac omnia bona eorumdem et sibi adherencium, tam mobilia quam inmobilia, temporalia quam spiritualia ubicunque locorum existencia in ipso monasterio Dunolmensi vel cellis suis quibuscunque in diocesi Dunolmensi vel extra, proteccioni et defensioni sedium superius annotatarum. Protestans me nomine dictorum religiosorum et pro eisdem directam appellacionem ad prefatas sedes vel alibi ubi viderim expedire velle interponere in forma competenti et apostolos petere cum effectu si ad illacionem cuiuscunque gravaminis per vos domine episcope supradicte vel alium quemcunque auctoritate vestra quoquomodo procedi contigerit in futurum.[1]

Item, adhuc dictus frater Robertus procurator dictorum religiosorum quamdam aliam in scriptis provocacionem nomine dicti . . prioris Dunolmensis ad curiam Eboracensem et in ipsius defectum ad sacrosanctam sedem apostolicam alias interpositam coram eodem patre innovavit et de novo interposuit sub hac forma:

In dei nomine amen. Quia vos venerabilis in Christo pater domine A. dei gracia Dunolmensis episcope nuper sicut moris est litteras vestras religioso viro domino Ricardo, priori monasterii Dunolmensis, per se sine conventu demandastis, continentes quod visitacionem vestram in capitulo Dunolmensi tam in capite quam in membris die veneris in crastino Ascensionis dominice proximo instanter intenditis exercere, prout ex serie earumdem litterarum dilucidius apparet; ex quibus litteris elici possunt evidentes coniecture quod prefato R. priori in eadem visitacione vestra preiudicium intenditis irrogare, quod non solum colligitur ex litteris vestris antedictis verum eciam

[1] Original is Durham, Misc. Charter 5523 (50).

ex aliis comminacionibus per vos contra eundem R. factis vicibus iteratis ac eciam molestacionibus et iniuriis per vos et vestros eidem tam in persona quam rebus iam illatis nec adhuc correctis quoquomodo: ego Robertus de Routhebiry, eiusdem monasterii monachus, procurator eiusdem domini prioris legitime constitutus, metuens ex hiis et aliis verisimilibus coniecturis prefato domino . . priori per vos, pater antedicte, preiudicium aut gravamen posse generari in futurum, volens predicto domino meo et michi, nomine eiusdem, tenore presencium precavere, ne vos pater antedicte quicquam in preiudicium predicti prioris statusve eiusdem statuatis, ordinetis, faciatis vel quicumque alius auctoritate vestra, vice vel mandato ordinet, faciat, statuat vel decernat, suspendendo, excommunicando, interdicendo, sequestrando, interloquendo, diffiniendo, pronunciando seu quocumque alio modo aliquod durum vel penale contra eundem dominum . . priorem vel sibi adherentes statuendo vel attemptando, ipsum ab administracione vel officio qualitercumque ammovendo vel deponendo, curiam Eboracensem et in eiusdem curie defectum sacrosanctam sedem apostolicam pro eodem domino meo et eius statu ac eciam pro sibi adherentibus in hiis scriptis provoco et appello; subiciens ex nunc predictum dominum meum et eius statum omnesque sibi adherentes monachos, clericos et laicos, advocatos et procuratores ac me procuratorem antedictum necnon omnia bona sua ubicumque locorum existencia in monasterio Dunolmensi et extra in quacumque diocesi existant, tam temporalia quam spiritualia, proteccioni et defensioni sedium predictarum. Protestans me pro eodem domino meo si ad illacionem alicuius gravaminis per vos patrem antedictum procedi contigerit quoquomodo, predictas sedes directe et legitime velle appellare et apostolos petere cum effectu.

Adhuc idem frater Robertus, procurator religiosorum predictorum, quamdam in scriptis excepcionem coram patre memorato proposuit et perlegit, cuius excepcionis in omnibus et per omnia tenor est talis:

Coram vobis, venerabili in Christo patre domino A. dei gracia episcopo Dunolmensi, nomine religiosorum virorum . . prioris et conventus monasterii Dunolmensis dicit et proponit Robertus de Routhebiry, procurator et commonachus eorumdem religiosorum, nomine procuratorio pro eisdem, quod cum iidem religiosi a tempore cuius memoria non existat, iuste, pacifice et inconcusse fuerint et adhuc sint in quasi possessione iuris, libertatis et immunitatis talis:

videlicet, quod iidem religiosi in singulis visitacionibus quas episcopi Dunolmenses qui pro tempore fuerint in eisdem religiosis et eorum capitulo hactenus exercuerint, ipsos episcopos huiusmodi visitaciones impendentes solos per se absque aliis religiosis sibi adiunctis vel clericis secularibus quibuscumque hucusque admiserunt; iidemque episcopi soli ut premittitur, assumpto sibi vel assumptis loco notarii monacho vel monachis capituli memorati, visitacionem suam eiisdem religiosis hactenus impenderunt, que omnia et singula in diocesi Dunolmensi publica sunt, notoria et manifesta: vos pater antedicte, in presenti visitacione vestra quam in eodem capitulo Dunolmensi intenditis exercere, alios religiosos vel clericos seculares vobiscum ad visitandum introducere non potestis nec de iure debetis, nec eciam prefatos religiosos ut vos una cum aliis religiosis vel clericis secularibus ad visitandum admittant compellere quoquomodo, maxime cum in maiori ecclesia Dunolmensi clerici seculares non existant: quare petit dictus procurator, probatis de iure probandis in premissis, quod iuris fuerit et racionis per competentem iudicem fieri et decerni, offerens se coram competente iudice pro loco et tempore premissa probaturum in forma supradicta vel competenciori si sibi et dominis suis viderit expedire, iuris beneficio semper sibi salvo.[1]

Quibus ut premittitur factis, dictus procurator de dicto capitulo recessis, perlecto coram patre memorato certificatorio supradicto. Subsequenter idem pater quamdam in scriptis per Rogerum de Waltham, clericum suum commensalem, tulit sentenciam generalem, ipsum organum suum constituendo, de cuius tenore quia ipsius copia michi facta non exstitit presenti instrumento nichil ultra dicere potui vel scribere publicando. Insuper dictus pater reverendus . . priorem et conventum memoratos et . . priores cellarum forinsecos publice fecit proclamari; pretextu cuius proclamacionis ipsi religiosi tam . . prior et conventus quam omnes alii nominati unanimiter coram dicto patre sicut primo redierunt, ipsum humiliter et devote cum instancia et effectu rogantes ut ibidem presentes tam clericos seculares quam laicos qui in dicto capitulo fuerunt et indebite moram traxerunt, sicut moris erat et a tempore a quo non exstitit memoria consuetum et hactenus in singulis visitacionibus predecessorum suorum omnium et singulorum et eciam . . archiepiscoporum Eboracensium visitancium fuerat usitatum, a dicto capitulo am-

[1] Original is Durham, Loc. 7, no. 3*.

moveret, in cuius immunitatis, iuris et libertatis quasi possessione pacifica ipsi religiosi fuerant singulis temporibus retroactis et adhuc fuerunt et consueverunt visitari, et quod dictus pater ipsorum immunitates, libertates, et iura huiusmodi infringere non attemptaret per se nec suos intuitu caritatis: protestantes se paratos esse, fuisse et esse[1] velle ipsum patrem obedienter cum omni reverencia et honore recipere, visitacionemque suam humiliter sicut decuit subire, dumtamen idem pater modum debitum et hactenus hucusque optentum pacifice non excederet, set quemadmodum omnes sui bone memorie predecessores hactenus hucusque dictos religiosos visitaverant, ita et ipse visitaret in nomine Jesu Christi. Rogarunt insuper venerabilem patrem memoratum religiosi supradicti per se et suos instanter et cum effectu humiliter et devote vicibus iteratis quod amotis amovendis tam clericis quam laicis, secularibus et religiosis aliis ibidem existentibus, cum dictis priore suo et conventu tractatum habere voluisset intuitu caritatis et paterne dileccionis, et quod ad hoc condescendere placeret sua paternitas reverenda. Set cum dictus pater, licet ut videbatur quodammodo peticioni ipsorum religiosorum adquiescere volens, per quosdam de suis tamen id facere non permittebatur, set ipsos religiosos visitacionem suam predictam subire monuisset expresse, nec ibidem presentes seculares clericos, laicos nec religiosos existentes, sicut petebatur, amovebat set ipsos religiosos tanquam inobedientes pena gravissima punire satagens ut videbatur, ad actum visitandi sic contra ipsos penitus procedendo: dicti religiosi protestantes ut supra recesserunt. Ad hec dictus pater habita cum consilio suo super premissis deliberacione aliquali et deliberacione facta et in scriptis redacta, preconizari fecit iterato religiosos memoratos, qui vero, cum coram ipso rediissent et deliberacionem quam suam esse dixit et credebant ipsis fore graciosam aliqualiter perpendissent, statim cum idem pater per organum suum illam legere incepisset, protestantes semper ut supra a dicto capitulo recesserunt et a pronunciacione sua simul cum ceteris gravaminibus eis illatis per eundem curiam Eboracensem et in ipsius defectum sacrosanctam sedem apostolicam provocarunt et eciam appellarunt, se ipsos omnes et singulos et eorum statum et omnes suos et sua et eorum bona proteccioni, tuicioni et defensioni sedium predictarum totaliter supponendo. Perlecta itaque pronunciacione dicti patris memorata,

[1] *Rectius* eciam se.

ex ipsius lectura constitit ipsum patrem predictos religiosos, videlicet . . priorem, . . suppriorem, tercium . . priorem, precentorem, . . sacristam et alios dicti . . prioratus obedienciarios et maiores cum quibusdam aliis de conventu nominatim, ipsos inobedientes, iurisdiccionis sue contemptores reputans et rebelles, in sentenciam excommunicacionis per ipsum ut premittitur primo latam dampnabiliter incidisse, ipsosque sic excommunicatos publice denunciasse sentencialiter et in scriptis, conventum quoque et . . priores cellarum forinsecos contumaces reputans in premissis, penam eis infligendam pro ipsorum contumacia sibi reservando.

Eodem die, anno et indiccione prenotatis, hora quasi vesperarum, ante introitum capituli dictorum religiosorum in claustro suo venit discretus vir magister Ricardus de Morpath', officialis domini . . archidiaconi Dunolmensis, una cum magistro Adam de Lyndeseya, publico notario, dicens se nuncium dicti patris ad hoc specialiter destinatum, presentibus ibidem magistro Roberto de Cave, magistro Petro de Kellawe, Ricardo de Kirkeham, Thoma de Egesclive et Hugone de Whyteby, cum aliis tam clericis quam laicis quampluribus et me notario infrascripto, denunciavit ibidem, auctoritate dicti patris sibi in hac parte vive vocis oraculo ut dicebat commissa, religiosis viris . . priori, . . suppriori, . . precentori, . . sacriste, . . camerario, et omnibus tam obedienciariis dicti prioratus quam aliis omnibus et singulis quos idem pater eodem die in ipso capitulo excommunicaverat et excommunicatos in scriptis pronunciaverat, et denunciando citavit eosdem quod instanti die sabbati proximo sequente coram ipso patre vel suis . . commissariis uno vel pluribus precise et peremptorie comparerent in maiori ecclesia Dunolmensi, penam pro demeritis recepturi. Quibus sic factis, eodem die subsequenter frater Robertus de Routhebiry, monachus Dunolmensis et procurator . . prioris et conventus loci eiusdem, in presencia mei notarii infrascripti et testium subscriptorum, quamdam in scriptis, nomine dictorum dominorum suorum, ad Eboracensem curiam et in ipsius defectum ad sacrosanctam sedem apostolicam in scriptis interposuit appellacionem sub tenore qui sequitur:

In dei nomine amen. Cum venerabilis in Christo pater dominus Antonius permissione divina Dunolmensis episcopus primam suam visitacionem exercere proponens in monasterio Dunolmensi religiosis viris . . priori et conventui monasterii predicti coniunctim ac eciam

. . priori per se per suas litteras demandasset separatas continentes quod idem pater die veneris in crastino Ascensionis dominice visitacionem suam prefatis religiosis tam in capite quam in membris impendere proponebat, ex quarum serie litterarum, quia multiplices et evidentes apparuissent coniecture quod idem pater typo malicie et causa pocius molestandi dictos religiosos quam aliud quicquam in caritate in eodem monasterio corrigendi ad huiusmodi visitacionem procedere intendebat; licet iidem religiosi metuentes sibi per predictum patrem ex multis comminatis, gravaminibus, necnon et contentis in litteris memoratis et aliis verisimilibus coniecturis preiudicium posse generari et gravamina inferri in futurum, ne dictus pater quicquam durum vel preiudiciale contra dictos religiosos per se vel suos aliqualiter attemptaret, curiam Eboracensem et in ipsius defectum sacrosanctam sedem apostolicam provocassent legitime et in scriptis et eciam appellassent, se et sua una cum statu suo et monasterii sui, inmunitates suas, iura et libertates tuicioni et proteccioni sedis et curie predictarum totaliter supponendo: ac adveniente die visitacionis memorata, dictas suas provocaciones factas in capitulo Dunolmensi in principio visitacionis dicti patris, statim completo sermone, per me fratrem Robertum de Routhebiry, commonachum Dunolmensem et procuratorem dictorum . . prioris et conventus legitime constitutum, eidem patri notificassent et coram ipso ut premittitur de novo interposuissent, excepcionemque immunitatis coram dicto patre proposuissent cum effectu, petentes se in forma iuris ad ipsius excepcionis probacionem quatenus in facto consistebat admitti, et offerentes se paratos eam probare pro loco et tempore competente, et protestantes se velle ipsum patrem cum omni reverencia qua decuit recipere et visitacionem suam humiliter, amotis amovendis, subire, dumtamen solitum visitandi modum et usum notorium non excederet, in cuius visitandi modo et usu notorio a tempore a quo non exstat memoria dicti religiosi fuerant per predecessores ipsius episcopi omnes et singulos episcopos Dunolmenses et eciam . . archiepiscopos Eboracenses hactenus in singulis visitacionibus visitati: in cuius inmunitatis, libertatis et iuris possessione pacifica vel quasi fuerant temporibus ut premittitur retroactis et eciam adhuc extiterunt: quia dictus pater, provocacionibus et appellacionibus supradictis cum excepcione predicta non obstantibus set totaliter reiectis, spretis et vilipensis, voluntatis arbitrio, non iudicio racionis,

contra formam iuris, de facto cum de iure non posset, in priorem, . . suppriorem, . . tercium . . priorem, . . sacristam, camerarium, infirmarium, . . celerarium, . . hostilarium, . . bursarium, . . granetarium, . . incanarium et alios obedienciarios . . prioratus memorati omnes et singulos, elemosinario et feretrario dumtaxat exceptis, ac in Galfridum de Burdon', Johannem de Castro Bernardi et Johannem de Appleby, dicte professionis commonachos, maioris excommunicacionis sentenciam fulminavit, ipsos omnes et singulos contumaces et inobedientes reputans, cum non essent, et subsequenter eodem die dictos . . priorem et obedienciarios sic excommunicatos ad diem sabbati proximum sequentem citari fecit publice in claustro suo Dunolmensi quod comparerent coram ipso vel . . commissariis suis extra capitulum suum in maiori ecclesia Dunolmensi penam pro demeritis, cum in nullo demeruerint, recepturi: ego Robertus de Routhebiry, procurator dictorum . . prioris et conventus legitime constitutus, senciens dictos dominos meos . . priorem et conventum memoratos et me et monasterium nostrum Dunolmensem ex premissis et eorum quolibet per predictum patrem dominum episcopum Dunolmensem indebite pregravari, curiam Eboracensem et in ipsius defectum sacrosanctam sedem apostolicam nomine dictorum dominorum meorum et pro ipsis ac proprio in hiis scriptis appello et apostolos instanter, instancius, instantissime peto; qui si michi fuerint denegati seu eciam non concessi, iterum ut prius appello: supponens . . . : et apostolos peto cum instancia et effectu.[1]

Die sabbati proxima sequente, anno et indiccione prenotatis, discreti viri magistri Robertus de Albrewyk et Johannes de Lascy, canonici Auckland' Dunolmensis diocesis, pretendentes se commissarios venerabilis patris domini Dunolmensis episcopi memorati, in maiori ecclesia Dunolmensi cum ingenti comitiva tam clericorum quam aliorum de familia dicti patris sedentes, legi fecerunt publice coram ipsis quamdam commissionem sibi factam ut dicebant ab episcopo memorato, sigilli sui impressione de cera rubea pendente consignatam. Et ea perlecta, statim preconizari fecerunt religiosos viros . . priorem, . . subpriorem, . . tercium priorem, et omnes alios obedienciarios dicti monasterii supradictos in quos maioris excommunicacionis sentenciam die veneris proximo precedente in

[1] Original is Durham, Loc. 7, no. 52.

capitulo Dunolmensi ut premittitur fulminaverat idem pater, et quos citari fecerat ex post facto eodem die veneris quod comparerent coram ipso vel . . commissariis suis uno vel pluribus in maiori ecclesia Dunolmensi dicto die sabbati precise et peremptorie, penam pro demeritis recepturi; pro quibus comparuit frater Robertus de Routhebiry, monachus et procurator dictorum religiosorum, et statim coram ipsis proximo suprascriptam appellacionem nomine dictorum . . prioris et conventus et pro ipsis ac proprio ad Eboracensem curiam et in ipsius defectum ad sacrosanctam sedem apostolicam alias interpositam innovavit et de novo interposuit et eisdem . . commissariis nomine dicti episcopi notificavit et apostolos instanter, instancius, instantissime peciit. Quas quidem appellaciones adhuc dum idem procurator esset in legendo dictus magister Johannes de Lascy, unus . . commissariorum predictorum, pro se et collega suo predicto, auctoritate dicti patris eis ut dicebant in hac parte commissa, pronunciavit sentencialiter et in scriptis dictum dominum . . priorem Dunolmensem prevaricatorem, inobedientem, falsum, periurum, ordinis sui contemptorem, sibique rebellem et aliis diversis enormibus criminibus irretitum, ipsumque propter hec ab officio, dignitate et honore dicti . . prioratus et administracione in eisdem privavit sentencialiter et amovit, una cum omnibus obedienciariis suis memoratis: priores quoque cellarum forinsecos, una cum singulis monachis de conventu contumaces reputavit, penam eis infligendam pro contumacia reservando: et decrevit alios tam loco dicti . . prioris, . . supprioris, . . tercii . . prioris quam aliorum omnium et singulorum obedienciariorum predictorum subrogari. Acta fuerunt omnia et singula suprascripta ut premittitur Dunolmi anno domini, indiccione, mense, diebus et locis suprascriptis; presentibus in capitulo dicto die veneris omnibus et singulis que in dicto capitulo fiebant per episcopum memoratum, magistris Adam de Derington', Roberto de Cava, Alexandro de Pundsonby et Petro de Kellawe; magistro Elya de Coutona, apostolica, et magistro Ricardo de Ganyo, sacri imperii publicis auctoritate notariis, cum aliis tam clericis quam laicis in multitudine copiosa: et citacioni memorate in claustro Dunolmensi facte, magistro Roberto *de Cave*, magistro Petro de Kellawe, Ricardo de Kirkeham, Thoma de Egesclive et Hugone de Whyteby cum aliis tam clericis quam laicis quampluribus: necnon et interposicioni

appellacionis eodem die subsequenter interposite, et innovacioni facte die sabbati proximo sequente de eadem coram . . commissariis dicti domini episcopi in maiori ecclesia Dunolmensi a gravaminibus prenotatis, magistris Roberto de Cava, Alexandro de Pundsunby et Petro de Kellawe, domino Henrico de Menyl et Thoma de Egesclive, clericis, testibus ad premissa vocatis specialiter et rogatis sicut in instrumentis super hiis confectis separatim plenius continetur.

Insuper eodem die post horam diei nonam in eadem maiori ecclesia Dunolmensi constitutus frater Robertus de Routhebiry, procurator memoratus, presentibus domino Henrico de Menyl, Ricardo de Kirkeham, Thoma de Egesclive, Hugone de Whyteby et Waltero de Norwegia, clericis, in presencia mei notarii infrascripti, quamdam in scriptis appellacionem nomine dictorum . . prioris et conventus ac proprio ad Eboracensem curiam et in ipsius defectum ad sacrosanctam sedem apostolicam interposuit, sub tenore qui sequitur:

In dei nomine amen. Quia venerabilis in Christo pater dominus Antonius permissione divina Dunolmensis episcopus, voluntatis arbitrio, non iudicio racionis, contra formam iuris omnino et absque causa legitima, per discretos viros magistros Johannem de Lascy et Robertum de Albrewyk, clericos suos, canonicos Aukland', pretendentes se suos in hac parte . . commissarios, religiosum virum dominum meum dominum Ricardum, priorem Dunolmensem, non obstantibus provocacionibus et appellacionibus suis ad Eboracensem curiam et in ipsius defectum ad sacrosanctam sedem apostolicam legitime interpositis et coram dicto patre domino Dunolmensi episcopo necnon et commissariis suis predictis innovatis et de novo interpositis et eisdem ad plenum notificatis, de facto cum de iure non posset, privacionis ab officio, dignitate et honore . . prioratus Dunolmensis et amocionis sentencias et administracionis in eisdem ipsumque coram clero et populo nequiter diffamando, suppriorem-que, tercium . . priorem et omnes alios obedienciarios dicti monasterii Dunolmensis, elemosinario et feretrario dumtaxat exceptis, amocionis ab officiis suis sentencias fulminavit et in scriptis, decernens alios tam loco dicti . . prioris, . . supprioris et tercii . . prioris quam aliorum omnium et singulorum obedienciariorum predictorum subrogandos; priores vero cellarum dicti monasterii Dunolmensis forinsecos, necnon et singulos de conventu contumaces reputans, cum non essent, penam eis infligendam pro contumacia reservando:

ego Robertus de Routhebiry, commonachus Dunolmensis et procurator dictorum . . prioris et conventus legitime constitutus, senciens . . . ; supponens . . .

Acta fuerunt omnia et singula suprascripta anno domini, indiccione, mense, diebus et locis prenotatis, presentibus testibus suprascriptis.

Et ego Andreas quondam Guilielmi de Tange, clericus Eboracensis diocesis, sacrosancte sedis apostolice publicus auctoritate notarius, qui premissis omnibus et singulis sicut agebantur, una cum suprascriptis testibus, diebus et locis prenotatis, interfui eaque sic fieri vidi rogatus, in istis duabus cartarum peciis per meipsum simul sutis, nichil addens vel minuens quod sensum mutaret vel corrumperet intellectum ea, una cum duobus verbis in vicesima quinta linea secunde pecie istius instrumenti per oblivionem omissis et post diligentem eiusdem examinacionem cum fratre Galfrido de Burdon' et Warnero de Pontefracto, clerico, factam repertis et interlineatis, videlicet *de Cave*, scripsi, inserendo in eisdem tam procuratorium dictorum religiosorum quam provocaciones, appellaciones et excepcionem eorumdem factas, propositas et interpositas ut premittitur, et in hanc publicam formam redegi, meoque signo consueto, quia ea inveni cum protocollo in omnibus et per omnia concordare, tam in earum sutura quam fine signavi in fidem et testimonium premissorum.

(Original: Durham, Loc. 27, no. 27. Entered: Durham, Reg. III, ff. 87-91.)

(b) 27 Nov. 1300. Norwell, Notts. Retrospective account on behalf of the pr. and c. of Durham of proceedings taken against them by the bp. following the sentences passed against them by his commissaries as the result of their contumacy on his visitation. (21/22 May 1300.)

In nomine domini Amen. Anno nativitatis eiusdem Millesimo Trecentesimo, Indiccione XIII[a], die Sabbati, XI mensis Maii exeuntis, Pontificatus sanctissimi patris et domini, domini Bonifacii divina providencia pape VIII anno sexto; venerabiles viri magistri Robertus de Alburwyk, decanus ecclesie de Aucland Dunolmensis diocesis, et Johannes de Lascy, clericus, pretendentes se Commissarios domini Antonii Dunolmensis Episcopi in negocio visitacionis sue Dunol-

mensis ecclesie sedentes pro tribunali in ecclesia eadem, commissionem potestatis sue sibi a dicto Episcopo tradite coram cleri et populi multitudine vehementi publice legi fecerunt: qua lecta, Ricardum Priorem, . . Subpriorem, . . Tercium Priorem, . . Sacristam, . . Camerarium, . . Hostelarium, . . Celerarium, . . Granetarium et fere omnes obedienciarios ipsius Prioratus necnon et quosdam monachos claustrales nominatim voce preconia vocari fecerunt. Quibus vocatis, frater Robertus de Routbery, monachus, procurator Prioris et Conventus eiusdem ecclesie, ad presenciam dictorum commissariorum accedens, supplicavit eisdem ut Priorem, Conventum, et obedienciarios in pace dimitterent pendentibus provocacionum et appellacionum causis tam ad sedem apostolicam quam Curiam Eboracensem loci metropolitani legitime interiectis; et ne aliquid penale vel durum contra ipsos interim attemptarent in vocem provocacionis et appellacionis ad sedem et Curiam predictas prorupit, quamdam appellacionem a gravaminibus die veneris proximo precedente dominis suis illatis factam et prius in mei infrascripti notarii presencia lectam et publicatam eisdem notificans et coram eis innovans alta voce. Cui appellacioni dicti Commissarii in nullo penitus detulerunt, sed ipso procuratore appellacionem suam presencialiter legente, magister Johannes de Lascy, alter Commissariorum ipsorum, procuratori legenti omnem audienciam denegans, Priorem predictum periurum, irregularem, regule ordinis sui privaricatorem et contemptorem in scriptis pronunciavit, ipsumque priorem et omnes fere obedienciarios tanquam inobedientes dignitate, statu, officiis et administracionibus de facto, contra iuris ordinem ut apparet, privavit, deposuit sentencialiter et amovit, nonnullos claustrales monachos nominatim excommunicando et bona monasterii spiritualia sequestrando; inhibens extunc ne aliquis dicto Ricardo tanquam Priori vel obedienciariis predictis tanquam depositis in aliquo obediret, acsi nullatenus appellassent vel nusquam appellacionis remedium ad oppressorum fuisset subsidium adinventum: licet dictus Prior et quasi totus Conventus in mei presencia fideliter affirmarent quod nunquam aliquis articulus periurii, irregularitatis, privaricacionis vel contemptus ordinis sive cuiuscumque alterius criminis contra dictum Priorem in iudicio vel extra fuisset propositus vel probatus clamculo sive palam. Preterea vero, dum idem magister Johannes esset adhuc in pronunciando sentencias supradictas, quidam clericus, magister

Alexander de Ponconby nomine, coram ipsis Commissariis lingua materna toti populo exposuit quod nulla sentencia ibi lata Priorem aut Conventum seu obedienciarios predictos ligare potuit quoquomodo, appellacionum causis coram superioribus pendentibus indiscussis. Quare dictus magister Johannes predictum clericum per ballivos sive servientes Episcopi ibidem presentes capi precepit, propter quod idem clericus subtus campanile ne caperetur fugiit, ostiumque inter se et sequentes eum servientes clausit, ita quod extunc nullus pro parte prioris et conventus illo die exire aut verbum proponere fuit ausus. Act' in corpore ecclesie Dunolmensis, Commissariis supradictis pro tribunali sedentibus, presentibus et assidentibus eis magistris Raynaldo de Brandon', Thoma de Leuesham et Roberto de Baldoc, predicti Episcopi clericis, ac eciam magistro Petro de Kellawe, Johanne de Buttrewyk et Hugone de Grendon, necnon et quampluribus aliis clericis et laicis in multitudine numerosa, testibus ad premissa. Facta siquidem pronunciacione sentenciarum predictarum per dictum magistrum J. pro se et concommissario suo ad sue voluntatis arbitrium, statim inmediate Ballivi episcopi, videlicet Petrus de Bolton' et Rogerus de Eysse, Coronatores regalitatis Episcopatus, Johannes de Edmannesley et plures alii quorum nomina michi sunt ignota, auctoritate Episcopi ut dicebant, prioratum ipsum tanquam vacantem ingredientes de facto, ipsum prioratum cum pertinenciis suis omnibus temporalibus in manus Episcopi saisierunt, ceperunt et occupaverunt; portas prioratus custodiri facientes, necnon et omnes alias portas ac porticulas seu valvas valli exterioris, ne aliquis ex parte prioris et Conventus ad prosequendum causas appellacionum suarum vel ad aliquod subsidium vel remedium qualecumque perpetrandum in Curia Romana vel Eboracensi super suis gravaminibus exire posset: sentencias contra tales latas penitus non verentes.[1] Die vero dominica proximo subsequenter magister Robertus de Alburwyk, alter Commissariorum predictorum, ad ecclesiam Dunolmensem predictam accedens, locis singulorum obedienciariorum die precedente per Concommissarium suum depositorum sive amotorum, preterquam loco prioris, alios obedienciarios contra ipsius ecclesie libertates et indulta per sedem apostolicam vallata, auctoritate Episcopi Dunolmensis ut asseruit, subrogavit, videlicet pro Thoma de Castro Suppriore Gilbertum de

[1] Cf. *Camden Miscellany XIII* (1924), p. 9, n. 2.

Schirburn', Ricardo de Kellawe Tercio priore Robertum de Kilington', Radulpho de Mordon Sacrista Robertum de Kivelingword', Willelmo de Dalton refectuario Willelmum de Couton', Thoma de Hessewelle Bursario Stephanum de Houeden', Johanne de Selby Hostelario Raynaldum de Barneby, ac Thoma de Aldewod' Camerario Adam de Boivil, et alios plures quorum nomina in illo instanti non potui memorie commendare in aliorum obedienciariorum locis assignavit, quorum subrogatorum aliqui officia assignata taliter admiserunt; reliqui vero officia tanquam contra privilegia et libertates Dunolmensis ecclesie admittere recusarunt. Propter quod dicti Prior et conventus a dictorum Commissariorum sentenciis sequestracionum et obedienciariorum subrogacionibus supradictis ad sacrosanctam sedem apostolicam et pro tuicione ad Curiam Eboracensem appellarunt postmodum legitime et in scriptis. Interea siquidem quidam clerici Episcopi, videlicet dominus Petrus de Thoresby, magister domus de Kypier prope Dunelm' et Robertus de Wycomb', Rectore ecclesie de Bretteby, Eboracensis diocesis, ad prioratum predictum accedentes, auctoritate predicti Episcopi ut dicebant, seisinam sive custodiam prioratus inibi commorando continuarunt, adiunctis eisdem dominis Waltero de Wessigton' et Archebaldo de Thorthorald', militibus, qui nomine dicti Episcopi portas prioratus et valli exterioris custodiri strictius preceperunt ne aliqui religiosi sive seculares prefato priori adherentes inde exire possent nec ad eos de extra potuerunt per aliquos victualia deportari: quorum preceptorum Petrus de Bolton, Rogerus de Eysse, Johannes de Edmannesley et Willelmus Ostiarius executores promptissimi extiterunt, nonnullos servientes prioratus extra ipsius scepta educentes et in Episcopi carcerem absque causa racionabili recludentes. Demum siquidem . . Officialis Eboracensis predicto Episcopo et eius Commissariis antedictis legitime citatis de appellacione huiusmodi tuitoria cognoscens, in consistorio Eboracensi decrevit prefatos priorem et conventum in iure suo fore tuendos pendentibus appellacionibus predictis ad sedem apostolicam interiectis, omnia post appellaciones predictas in eorum preiudicium attemptata quatenus de facto processerant revocando: cui decreto non fuit paritum hactenus usquequaque sed per dictum Episcopum et suos contra dictos priorem et conventum gravamina maiora gravaminibus predictis addebantur postea plus quam prius, que quidem gravamina in partibus Anglie

borialibus ita sunt notoria et manifesta quod nulla possunt tergiversacione celari.

Scripta sunt hec in diocesi Eboracensi apud Nortwell' in Manerio iuxta ecclesiam, anno, Indiccione et Pontificatu prenominatis, die quarto mensis Novembris exeuntis.

Et ego Helias de Coutona clericus, auctoritate apostolica publicus notarius, premissa gravamina et omnia alia et singula quibus prout suprascribitur factis presens interfui, fieri et inferri vidi et audivi diebus et locis supradictis, a prefato priore et Galfrido de Burdon eius et Conventus Dunolmensis procuratore rogatus scripsi et in hanc publicam formam redegi, meoque signo consueto signavi ad pleniorem fidem et testimonium omnium premissorum.

(Original: Durham, Misc. Charter 5523 (22).)

APPENDIX C

Record of the legal proceedings taken against bp. Bek coram rege *by Guy de Beauchamp, earl of Warwick, for forcible entry of his lands within the franchise of Durham.* (*1310-11.*)

Adhuc de Quindena sancti Johannis Baptiste. (3 Edw. II)

Antonius Episcopus Dunelmensis in misericordia pro pluribus defaltis.

Idem Antonius attachiatus fuit ad respondendum domino Regi et Gwydoni de Bello Campo, Comiti Warrewik', de placito quare terras ipsius Comitis apud Middelton' in Tesdale infra libertatem Episcopatus Dunelmensis statim postquam dominus Rex gubernaculum regni sui post mortem domini E. quondam Regis Anglie patris Regis nunc susceperat hostiliter ingressus, regimen et dominium domini Regis parvipendendo, terras illas de animalibus dicti Comitis ad valenciam Mille librarum predatus fuit, et voluntatem suam de eisdem animalibus, quedam eorum vendendo, quedam interficiendo et quedam alias diversimode consumendo fecit, ita quod populus parcium illarum per huiusmodi aggressus perterritus [fuit] in inmensum et de pace Regis totaliter desperatus, et alia enormia ibidem perpetravit, in Regis contemptum manifestum et predicti Comitis grave dampnum et contra pacem etc. Et quia idem Rex tam sibi super contemptu illo quam prefato Comiti super transgressione predicta voluit in Curia sua plenam et celerem iusticiam exiberi, presertim cum idem Rex in reddicione libertatis predicte prefato Episcopo nuper facta de gracia sua speciali cognicionem querele prefati Comitis super transgressione predicta sibi specialiter reservavit,[1] idem Comes pro se et domino Rege queritur quod predictus Episcopus simul cum Gilberto de Scaresbek, Petro de Perci, Rogero Pichard, Willelmo Wodemons, Hugone de Wales, Johanne Breton', Willelmo de la Haye, Ricardo de Stanlawe, Ricardo Blakeheued, Petro Broun, Rogero de Merley, Rogero de Cundon', Waltero Pode, Adam fiz Bateman, Ricardo filio Alexandri de Merlei, Ricardo filio Willelmi de Merley, Johanne Stra, Willelmo filio Ade le Aumblur, Roberto le Messer, Johanne filio Nicholai le Clerk,

[1] *Vide* no. 121 *supra*.

Nicholao le Foresteresseriaunt de Hamsterley, Nicholao le Forestereresclerk, Thoma Broun, Laurencio filio Roberti, Michaele Brak', Ricardo Spark', Johanne Gilberdesknave of Scaresbek, Willelmo filio Johannis de Neubruggeous, Roberto Leverur, Thoma Brun de Stanhope, Johanne de Garton, Thoma de Merley, Waltero de Merley, Adam de Hereford', Rogero Bret et Johanne filio Mathei, die Lune proximo post festum sancte Margarete virginis, anno regni Regis nunc primo, terras predicti Comitis apud Middelton' in Tesdale infra libertatem predictam etc. statim postquam dominus Rex gubernaculum regni etc. post mortem predicti domini E. quondam Regis etc. susceperat, hostiliter ingressus, regimen et dominium Regis parvipendendo, terras illas de animalibus dicti Comitis, videlicet equis, bobus, vaccis, iuvencis, bidentibus dicti Comitis ad valenciam Mille librarum predatus fuit et voluntatem suam de eisdem animalibus, quedam eorum vendendo, quedam interficiendo et quedam alias diversimode consumendo fecit, ita quod populus parcium illarum per huiusmodi aggressus perterritus fuit in inmensum et de pace Regis totaliter desperatus, in contemptum domini Regis decem Mille librarum, et ad dampnum dicti Comitis decem Mille librarum. Et inde producit sectam etc.

Et predictus Episcopus venit et defendit vim et iniuriam quando etc. Et dicit quod Ecclesia sua Dunelmensis et omnes predecessores sui Episcopi eiusdem loci usi sunt tali libertate quod de omnibus placitis et querelis inter quascumque personas in[1] Episcopatu predicto, videlicet inter aquas de Tyne et de Teyse, emergentibus cognicio eorumdem placitorum et querelarum ad Episcopum loci predicti et ministros suos pertinet et non ad alium; nec alibi quam infra Episcopatum predictum debent placitari. Et dicit quod villa de Middelton' in Tesdale ubi predictus Comes queritur transgressionem predictam sibi fieri est infra aquas predictas: et petit quod non conpellatur hic respondere contra libertatem illam de qua omnes predecessores sui et Ecclesia sua predicta usi sunt a tempore quo non exstat memoria etc.

Et predictus Comes dicit quod cognicio placiti predicti ad ipsum dominum Regem pertinet et non ad alium: dicit enim quod in reddicione libertatis predicte prefato Episcopo nuper facta per dominum Regem nunc postquam eadem libertas per iudicium

[1] *et* in MS.

domini E. Regis patris Regis nunc in manum ipsius Regis capta fuit, idem Rex nunc cognicionem querele prefati Comitis super transgressione predicta ipsi Regi specialiter reservavit, tam pro contemptu ipsi domino Regi in hac parte quam pro transgressione ipsi Comiti factis, et hoc manifeste patet per breve predictum: unde petit tam pro domino Rege quam pro se ipso quod prefatus Episcopus ulterius ad querelam suam respondeat etc. ex quo dominus Rex cognicionem querele sue sibi reservavit ut predictum est, vel quod idem Episcopus habeatur pro indefenso etc.

Et predictus Episcopus non potest dedicere quin libertas sua capta fuit in manum domini E. Regis patris Regis nunc sicut predictus Comes dicit; set dicit quod dominus Rex nunc concessit eidem Episcopo quod ipse libertatem suam predictam habeat et teneat sibi et successoribus suis Episcopis Dunelmensibus et Ecclesie sue predicte adeo integre sicut eam habuit et tenuit ante capcionem supradictam, salva tamen ispi Regi cognicione placiti inter Radulphum filium Willelmi et Galfridum de Hertpol coram ipso Rege in Curia sua incoati[1]: unde dicit quod cognicio placiti predicti racione libertatis sue et per reddicionem domini Regis predictam ad ipsum Episcopum et non ad dominum Regem pertinet, qualitercumque in predicto brevi contineatur etc. Dicit eciam quod datum carte Regis de reddicione predicta est anterior dato brevis predicti, et profert cartam domini Regis nunc de reddicione predicta que hoc idem testatur in hec verba etc. . . . as no. 125 *supra* . . . Et super hoc datus est eis dies usque a die sancti Michaelis in unum mensem ubicumque etc.

Ad quem diem predictus Comes per attornatum suum et similiter predictus Episcopus per attornatum suum veniunt, et datus est eis dies in Octabis Purificacionis beate Marie ubicumque etc.

Ad quem diem predictus Comes per attornatum suum et similiter Episcopus per attornatum suum veniunt. Et Gilbertus de Scarebek, Hugo de Wales et Ricardus de Stanlawe, Petrus de Percy, Rogerus Pychard, Johannes Bretoun, Ricardus Blakeheued, Rogerus de Merleye, Walterus Pode, Adam fiz Bateman, Ricardus filius Alexandri de Merley, Ricardus filius Willelmi de Merley, Johannes filius Nicholai le Clerk, Nicholas le Foresteresclerk, Thomas Broun, Laurencius filius Roberti, Willelmus filius Johannis de Neubruggous,

[1] *Vide* no. 125 *supra*.

Robertus Lyverur, Thomas Broun de Stanhoppe, Thomas de Merley, Walterus de Merley, Adam de Hereford et Johannes filius Mathei per attornatos suos veniunt ad placitandum cum predicto Comiti (*sic*) etc. Et defendunt vim et iniuriam quando etc. Et predictus Episcopus dicit quod predicti Gilbertus et alii sunt homines sui Episcopatus Dunelmensis, de libertate sua predicta, et petit libertatem etc. Et dicit ut prius quod ecclesia sua Dunelmensis et omnes predecessores sui Episcopi eiusdem loci usi sunt tali libertate quod de omnibus placitis et querelis inter quascumque personas in Episcopatu predicto, videlicet inter aquas de Tyne et Teyse, emergentibus cognicio eorumdem placitorum et querelarum ad Episcopum loci predicti et Ministros suos pertinet, et non ad alium, nec alibi quam infra Episcopatum predictum debent placitari etc. Et profert breve domini Regis de libertate predicta allocanda in hec verba:

Edwardus dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitanie dilectis et fidelibus suis Rogero le Brabanzon et sociis suis iusticiariis ad placita coram nobis tenenda assignatis salutem. Cum nuper per litteras nostras patentes reddiderimus venerabili patri Antonio, patriarche Jerosolimitano et episcopo Dunelmensi, libertatem ecclesie sue Dunolmensis, dudum quibusdam de causis per consideracionem Curie celebris memorie domini E. quondam Regis Anglie, patris nostri, in manum eiusdem patris nostri captam; habendam sibi et successoribus suis Episcopis Dunolm' imperpetuum adeo integre sicut eam habuit et tenuit ante capcionem supradictam prout in litteris nostris predictis plenius continetur: vobis mandamus quod predictum Episcopum libertatem predictam habere et ipsum ea uti permittatis adeo integre sicut eam habuit et ea uti consuevit ante capcionem supradictam. Teste me ipso apud Berewycum super Twedam XVIII die Januarii, anno regni nostri quarto. *Et quod breve residet in ligula de preceptis anno regni Regis nunc quarto.*[1]

Et super hoc datus est dies partibus a die Pasche in quinque septimanis ubicumque etc.

Ad quem diem predictus Comes per attornatum suum et similiter Gilbertus Skaresbek, Hugo de Wales, Ricardus de Stanlawe et Nicholaus Foresteres Clerk per attornatos suos veniunt. Et predicti

[1] This is probably the endorsement of the writ.

Petrus de Percy et alii non veniunt. Et testatum est in Curia quod predictus Episcopus mortuus est etc. . . .[1]

(Enrolled: PRO., Coram Rege Roll, Trinity 3 Edw. II, m. 73r.-d.)

[1] This was the virtual end of the case, which was formally adjourned to the octave of St. John the Baptist, when only the earl, by his attorney, appeared in court. Thereafter the case was adjourned to a month after Michaelmas, when again only Warwick's attorney appeared and the sheriff of Northumberland did not return his writ, for which omission he was duly amerced. There was a further adjournment to the morrow of the feast of the Purification (1312), after which date the case seems to have been abandoned by the earl.

APPENDIX D

Two mandates of Antony Bek as Patriarch of Jerusalem.

1. *Undated. Provision of Hugh Burgetti as bp. of Samaria.*

Antonius permissione divina sancte Jerosolimitane ecclesie patriarcha et Dunolmensis episcopus venerabili fratri Hugoni Burgetti episcopo Sebastensi salutem in domino. Sedula nos cura sollicitat et angit propensius mentem nostram ut circa statum ecclesiarum commissarum sollicitudini nostre vacancium attente considerationis intuitum dirigentes operose diligencie studium inpendamus ut, vitatis dispendiis que solent illis ex vacatione diutina inminere, ipsis personas preficiamus ydoneas, [et] viros providos deputemus per quorum circumspectam industriam et sollerciam diligentem spiritualibus et temporalibus divina faciente clemencia proficiant incrementis. Dudum siquidem venerabilis in Christo pater Leonardus dei gracia Constantinopolitanus Patriarcha, intellecto quod Moriosiana ecclesia, propter necgligenciam illorum vel illius ad quos vel ad quem eiusdem ecclesie pastoris electio sive provisio pertinebat, tanto tempore vacaverat quod ad dictum patriarcham tanquam ad primatem erat ipsius provisio secundum sancciones canonicas legitime devoluta, te ipsi ecclesie auctoritate primatie huiusmodi prefecit in episcopum et pastorem, curam et administracionem ipsius tibi in spiritualibus et temporalibus committendo; ac deinde venerabiles in Christo patres Vercellensis et Yporiensis episcopi ex speciali commissione dicti patriarche, adiuncto sibi alio catholico episcopo, tibi munus consecracionis iuxta morem Romane ecclesie inpenderunt. Verum quia postmodum repertum extitit quod eadem ecclesia non vacabat set adhuc episcopus preerat eidem, tu ex huiusmodi dicti patriarche provisione cum effectum sortita non fuerit nullum commodum reportasti set eius occasione labores subiisti pocius et expensas. Nos itaque tibi super hoc pio compacientes affectu et considerantes quod Sebastensis ecclesia propter necgligenciam illorum vel illius ad quos vel ad quem ipsius Sebastensis ecclesie pastoris electio sive provisio alias pertinet tanto tempore vacavit quod ad nos tanquam ad primatem est ipsius provisio secundum sancciones canonicas legitime devoluta, et

nolentes quod occasione prolixioris vacacionis exposita incommodis relinquatur, te, ordinem fratrum predicatorum professum, quem odor fame laudabilis nobis reddit acceptum, cum habearis sciencia preditus litterarum, religione meritisque preclarus ac vite laudabilis, conversacionis honeste et morum honestate decorus et alias in spiritualibus et temporalibus circumspectus, horum consideratione inducti et obtentu venerabilis patris domini N[icholai], dei gracia Ostensis et Velletrensis[1] episcopi, amici nostri carissimi, pro te huiusmodi graciam inplorantis, ipsi Sebastensi ecclesie sic vacanti quantum ad nos auctoritate primacie huiusmodi pertinet preficimus [in] episcopum et pastorem et de te ipsi ecclesie providemus, curam et administracionem eiusdem tibi in spiritualibus et temporalibus committentes. Ideoque discrecioni tue presencium auctoritate mandamus quatinus huiusmodi inpositum tibi onus a domino suscipiens reverenter circa curam et administracionem ipsius ecclesie Sebastensis sic te diligenter gerere studeas, illamque sollicite prosequaris, ut eadem Sebastensis ecclesia sub tua vigilancia votivis amplietur commodis et in omnibus, dante domino, prospere dirigatur, tuque preter divine retribucionis premium tanquam devocionis filius nostram benivolenciam uberius consequaris. In cuius rei testimonium etc.

(Fifteenth-century transcript: B.M., Lansdowne MS. 397, ff. 205v.-6.)

2. *Undated. Commission to bro. Bernard Morro, prior of the church of the Holy Sepulchre, to act as vicar of the pat. for the spiritual administration of the canons of the order of the Holy Sepulchre.*

Episcopus et patriarcha salutem etc. Dum incumbencia nobis cure ecclesiarum nobis commissarum onera ac sollicitudinem nostram negociorum multiplici varietate distractam ad singula debite peragenda insufficientem attenta consideracione pensamus, illos ad supportandum sollicitudinis nostre partem nobis assumimus et deliberatis cogitationibus advocamus qui morum excellencia, virtutum copia, vite et conversacionis honestate, ceteros preminere noscuntur, de quorumque sollerti ministerio et comunicatis laboribus speramus in cura nobis commissa fructus uberes reportare. Cum autem ad singula nobis commissa quatenus nobis ex alto permittitur frequentes intuitus

[1] *Vercellensis* in MS.

dirigamus, in eo potissimum nostra versatur intencio et assidua dirigitur cogitacio ut viri religiosi nobis subiecti regulares observancias, pure fidei firmitatem et caritatis unitatem colant et continue prosequantur, ut eciam qui professionis sue ritu proprii detestacione arbitrii et mundialium abieccione bonorum aliis preesse videntur, sibi ipsis per meritum et aliis splendore vite proficere valeant per exemplum. Et licet omnium huiusmodi personarum nobis spiritualiter subiectarum statum quietum et prosperum paterno zelemus affectu, de[statu] dilectorum tamen filiorum nostrorum canonicorum et fratrum ordinis sancti Sepulcri Jerosolimitani, nobis inmediate subiectorum, quorum eciam prefeccio, correccio et destitucio ad nos et non ad alium pertinet pleno iure, et in quorum bone fame odore honorem nostrum vicinius versari prospicimus, sollicicius cogitantes, ne nobis absentibus et aliis occupacionibus prepeditis spirituale ministerium eis desit, de provida circumspeccione et circumspecta industria religiosi viri fratris Bernardi dicti Morro, prioris nostri ecclesie sancti Sepulcri Jerosolimitani, plenam in domino fiduciam optinentes, ipsum vicarium nostrum in spiritualibus dictum ordinem sancti Sepulcri et canonicos ac fratres eiusdem ordinis tangentibus presencialiter duximus ordinandum: visitandi, inquirendi, corrigendi, et reformandi in ordine et personis predictis quecumque visitacionis, inquisicionis, correccionis et reformacionis officio noverit indigere, ac eciam ordinandi et faciendi specialiter quicquid ad salutem dicti ordinis et personarum eiusdem viderit pertinere, collacionibus beneficiorum si que ad nos ibidem pertinent nobis totaliter reservatis, eidem priori vices nostras quociens nos abesse contigerit committendo; contradiccores et rebelles quoscumque in premissis vel circa ea auctoritate nostra prout expedierit compescendi sibi concedentes tenore presencium facultatem, iure patriarchali ecclesie nostre Jerosolimitane per omnia semper salvo. In cuius rei testimonium etc.

(Fifteenth-century transcript: B.M., Lansdowne MS. 397, f. 206r.-v.)

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